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Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution

Report of the Secretary-General

Summary

In its resolution 65/283, the General Assembly requested the Secretary-General to submit a report on the implementation of the resolution entitled "Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution". The present report outlines progress made in implementing the resolution, in the context of key trends in the field of mediation. Also submitted as annexes to the present report are the Guidance for Effective Mediation and the views of Member States.

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I. Introduction

1. One year ago, the General Assembly took the landmark step of adopting its first resolution on mediation. I am pleased to submit the present report, as requested, on the implementation of resolution 65/283. This report comes at an opportune moment to take stock of United Nations mediation efforts. Conflicts continue to challenge the international community and take a heavy toll on nations and people around the world, and thus every effort must be made to employ mediation effectively in their prevention and resolution. This year, moreover, marks the thirtieth anniversary of the Manila Declaration on the Peaceful Settlement of International Disputes (see General Assembly resolution 37/10, annex), the seminal resolution in which Member States reaffirmed their commitment to settling differences through peaceful means. It also marks two decades since the publication of the 1992 *Handbook on the Peaceful Settlement of Disputes between States*[1] in which the Secretary-General provided States with information they might need to apply Article 33, Chapter VI, of the Charter of the United Nations.

2. The United Nations has continuously adapted its peace and security capacities to meet evolving international realities. Through "An agenda for peace: preventive diplomacy, peacemaking and peace-keeping" (A/47/277-S/24111) and its supplement, the position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations (A/50/60-S/1995/1), the United Nations took steps to enhance its understanding and application of preventive diplomacy, peacemaking, peacekeeping and peacebuilding. The report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809), and its implementation improved United Nations peacekeeping and reinforced its linkage to viable peace processes. My predecessor, in his report entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005), urged Member States to strengthen the good offices and mediation capacities of the Secretary-General; a recommendation unanimously endorsed in the World Summit Outcome Document (General Assembly resolution 60/1).

3. From the outset of my tenure as Secretary-General, I have promoted the reinvigorated use of mediation and preventive diplomacy. My report on enhancing mediation and its support activities (S/2009/189) detailed a range of tried and tested mediation strategies and techniques and outlined steps to professionalize the support dimension of mediation. My report on preventive diplomacy: delivering results (S/2011/552) described the progress made by the United Nations system in the practice of conflict prevention through diplomacy and mediation. In both reports, I stressed that mediation continues to be one of the most useful and frequently employed means of conflict prevention and resolution. Therefore, I have worked with Member States to strengthen our mediation capacity, in particular through the Department of Political Affairs.

4. Today we are much better positioned to help settle disputes and conflicts peacefully. We have field presences with mediation capacity closer to actual and potential conflict zones, and are able to quickly deploy political officers as well as electoral, constitutional, security and other experts to conflict areas. Our network of

[1] United Nations publication, Sales No. E.92.V.7. The handbook was approved by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization in its session in 1991 (see A/46/33 and Corr.1).

political missions and regional offices works alongside regional and subregional organizations, as well as with governments who have a key interest in resolving conflicts. Our conflict prevention and mediation efforts are flexible and relatively inexpensive, involving small civilian operations calibrated to meet the specific dynamics, and have achieved impressive results. Some efforts start very quietly, such as the support of the Department of Political Affairs to the Gulf Cooperation Council's mediation initiative in Yemen; others are high profile from the outset, as in the case of our work with the League of Arab States on the Syrian Arab Republic. Most efforts receive limited, if any, media coverage, as they are often highly discreet engagements. We hope to build on this progress as Member States dedicate more attention and support to our mediation capacity. I am persuaded by the effectiveness of these efforts and have made prevention through good offices and mediation a key priority in the action plan of my second term as Secretary-General.

5. Adopted by consensus, resolution 65/283 broadened Member States' support for mediation by complementing the attention given to this issue in the Security Council.[2] Importantly, the resolution recognized the contributions of all key actors — Member States, the United Nations system, subregional, regional and other international organizations, and civil society — and provided fresh perspectives on the use and further adaptation of mediation to contemporary disputes and conflicts.

6. In the present report, I have included some achievements which were realized before the adoption of the resolution, because they form a continuum of our efforts towards strengthening our mediation capability. Annexed to the present report are the Guidance for Effective Mediation, which was also requested in resolution 65/283, and the views of Member States that contributed in writing to the development of this guidance.

7. I am grateful to the President of the General Assembly, His Excellency Nassir Abdulaziz Al-Nasser, for prioritizing mediation in the sixty-sixth session of the General Assembly. The events organized by his office, in particular the high-level event on 23 May 2012, were invaluable sources of information for the development of the Guidance.

8. Finally, I would like to express my appreciation to the Friends of Mediation and, in particular, its co-chairs Finland and Turkey, for their Mediation for Peace initiative, which made an important contribution to the adoption by the General Assembly of resolution 65/283.

II. Mediation today: recent developments, trends and challenges

9. To put both the present report and the annexed Guidance for Effective Mediation in context, this section analyses eight trends in the area of conflict and mediation.

10. One, research shows that after nearly two decades of decline, the numbers of conflicts have begun to increase once again.[3] Many of these conflicts were brought

[2] Security Council high-level debate in 2008 (under the presidency of Burkina Faso) and the open debate in 2009 (under the presidency of Mexico).

[3] Lotta Themnér and Peter Wallensteen, "Armed Conflicts, 1946-2011", *Journal of Peace Research* 49(4) (2012).

about by unconstitutional changes in governments, disputed elections,[4] incomplete political transitions, social tensions and inter-communal violence. This resurgence of conflicts has been concentrated in Africa and the Middle East, but other regions have also been affected. Even though the majority of these conflicts are intra-State, a quarter of them are internationalized, that is, external parties and troops are involved in supporting one or more of the parties.[5]

11. Two, there remains a considerable number of intractable low-intensity conflicts that could escalate into violence. Of particular concern is the lack of progress in the Middle East peace process and continued tensions on the Korean Peninsula; both have the potential to cause significant regional and international instability. Attention must also be paid to unresolved territorial disputes that persist in different regions. While a few of those disputes have been referred to the International Court of Justice, and some continue to be managed through good offices and mediation, others risk becoming major flashpoints with regional and international ramifications. In this regard, we need to ensure that our capacity remains capable of responding to the situations amenable to mediation.

12. Three, many of today's conflicts involve a complex web of objectives and actors, local and regional dimensions that pose difficult challenges for mediators. These conflicts often transcend the borders of one country, spreading instability and humanitarian challenges,[6] and augmenting the number of potential conflict parties. Violence is often perpetuated by authorities that do not respect the rights of their people as well as by fragmented armed groups. Many of these armed groups combine political and criminal agendas which are not easily separated. Contemporary conflicts require mediators to balance a political mandate with urgent humanitarian considerations, establish a coherent but inclusive mediation process, and build incentives for engagement in the process while upholding international legal frameworks and norms.

13. As a result of these complexities, mediators have to grapple with a wider range of substantive issues. In contrast to the mostly ideologically based conflicts of the 1970s and 1980s, conflicts over the control of government, as well as natural and economic resources, dominate the present agenda. These disputes are overlaid with ethnic polarization, socioeconomic tensions and poor governance and are exacerbated by climate change. As a result, mediation and facilitation efforts have moved beyond securing a ceasefire and have focused on achieving comprehensive settlements, which deal with a broad range of issues such as, inter alia, power-sharing, wealth-sharing, constitutions, justice, human rights and security issues.

14. The range of complex issues to be addressed means mediation requires greater and more varied expertise. More patience is also required on the part of the international community, which often hastily declares the failure of mediation

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[4] See General Assembly resolution 66/163 on strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization, which noted the usefulness of mediation and good offices, upon the request of States, throughout the electoral life cycle.

[5] See Therése Pettersson and Lotta Themnér (eds.), *States in Armed Conflict 2009*, Uppsala University Department of Peace and Conflict Research 2010.

[6] Examples are large numbers of internally displaced persons and refugees, the use of children in armed groups and armed forces, and the employment of sexual violence as a weapon of war.

efforts when immediate results are not delivered. It also means that mediators must have easy access to experts with different areas of specialization.

15. Four, the field of mediation has become more diverse and crowded. Regional, subregional and other international organizations as well as non-governmental organizations and private individuals are increasingly involved in mediation activities. At their best, mediating actors have coalesced behind a lead mediator, served a common strategy, and employed their comparative advantages to maximum effect working at different levels of the process. At worst, competition and disagreement over strategy and funding have permitted parties to forum shop, therefore hampering peace efforts. In too many instances, conflicts have been further aggravated by well-meaning third-party actors who lack a good understanding of mediation and adequate preparation. A solid grasp of mediation is needed to better synchronize diplomatic efforts and manage expectations. To this end, the Guidance for Effective Mediation (see annex I) is a useful resource.

16. Five, there is growing recognition that mediation is not the exclusive purview of external mediation actors. Local mediators who come from the conflict country can usefully lead local mediation efforts or complement regional or international initiatives.[7] These mediators command local legitimacy; have in-depth knowledge of the society, its history, and local conflict resolution approaches; and often have established contacts with the conflict parties. However, this proximity to the conflict and its actors has its shortcomings. It often exposes local mediators to considerable personal risks; in some cases they may also be perceived as biased due to their relationship with one or the other party. Moreover, they often have less financial resources at their disposal and lack access to technical expertise. Nevertheless, local mediators have played a variety of mediating roles, for example in Burundi, Kenya, Kyrgyzstan, Mali, Nepal, the Philippines, Tunisia and Uganda. Empowering local mediators, where appropriate, can be an effective means for building national ownership of a peace process.

17. Six, civil society actors, such as the youth and women groups, are rightfully demanding a greater voice in political transitions and mediation processes, as seen in the context of the Arab Spring and beyond. Dramatic demographic changes and the ease of instant communication have further challenged narrow elite-level compacts. The need to make mediation processes more inclusive of the broader society has focused new attention on the process management aspects of mediation, such the creation of different mechanisms to facilitate participation of and communication with the public. An innovation, in this regard, is the use of dialogue initiatives at the national and/or local level. These initiatives have the potential to broaden national ownership, as well as to complement formal mediation processes. In some cases, national dialogue processes have even been used in the place of mediation processes, such as in Kyrgyzstan and Tunisia.

18. Seven, over the past decade, greater efforts to implement legal and normative frameworks have required mediators to adjust their approaches. In 1999, the Secretary-General developed guidelines on certain aspects of negotiation (revised in 2006), which emphasize that the United Nations cannot condone amnesties for war crimes, genocide, crimes against humanity and gross violations of human rights.

[7] See Simon J. A. Mason, *Insider Mediators: Exploring Their Key Role in Informal Peace Processes*, Berghof Foundation for Peace Support, Mediation Support Project (2009), available from http://www.berghof.peacesupport.org/publications/MED_Insider_Mediators.pdf.

Similarly, the establishment a decade ago of the International Criminal Court has had an impact on international mediation, as there is increasing legal and political pressure for peace agreements not to grant amnesties regarding the above-mentioned crimes. At the World Summit in 2005, the General Assembly embraced, by consensus, the Responsibility to Protect principle, stipulating a responsibility for individual State as well as for the international community to protect populations from genocide, crimes against humanity, ethnic cleansing and war crimes (see resolution 60/1, paras. 138-139). Responsibility to Protect has in itself become a point of reference in country discussions by the Security Council. Mediation has been considered as one important tool to live up to this responsibility.

19. With the adoption of Security Council resolution 1325 (2000), the promotion of women's representation in peacemaking became an expectation for conflicting parties and mediators. Likewise, strong norms for the protection of civilians have emerged, in particular with regard to conflict-related sexual violence against both women and men and the protection of children affected by armed conflict, including the prohibition of recruitment and the early demobilization of child soldiers. More determination and consistent efforts are still needed to ensure that all mediation efforts adhere to these legal and normative frameworks.

20. Eight, supporting mediation efforts has become an important task of our special political missions,[8] peacekeeping missions and other United Nations presences in the field. Mediation is not the exclusive occupation of envoys and does not end with the signing of a peace agreement. My special representatives in field missions mediate on a daily basis to support compliance with and implementation of signed agreements, and routinely work with the parties to manage new sources of conflict. United Nations agencies, funds and programmes work at the national and local levels to build conflict resolution capacities, train women mediators, and support and/or provide mediation. Therefore, mediation capacity and support is essential in the fragile political environments even in the absence of an ongoing formal peace process.

III. Implementation of General Assembly resolution 65/283

21. The above eight trends pose both challenges and opportunities for effective mediation. To address the challenges and maximize opportunities to peacefully resolve disputes, the United Nations system, Member States and other relevant actors must continue to promote the use of mediation and collaborate to ensure greater coherence in their initiatives. This section demonstrates our efforts and progress thus far.

[8] In addition to country-specific political missions, the United Nations currently also has three regionally focused offices: the United Nations Regional Office for Central Africa (UNOCA), the United Nations Office for West Africa (UNOWA) and the United Nations Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA). Headed by a senior political representative, these offices carry out initiatives in preventive diplomacy and contribute to regional responses to political crises.

A. Optimizing the use of mediation

22. Since my report on enhancing mediation and its support activities (S/2009/189), parties to disputes and conflicts have utilized United Nations-led or supported mediation, facilitation and good offices efforts in Afghanistan, Bangladesh, Côte d'Ivoire, Cyprus, Ecuador, Equatorial Guinea-Gabon, Fiji, Georgia, the Great Lakes region, Guinea, Guyana-Venezuela, Iraq, Honduras, Kenya, the Korean Peninsula, Kyrgyzstan, Lebanon, Libya, Madagascar, Malawi, Maldives, the Middle East (Israel-Palestine), Myanmar, Nepal, Panama, Peru, Solomon Islands, Sri Lanka, Sudan (Darfur), Sudan-South Sudan, Syrian Arab Republic, Thailand, Tunisia, Western Sahara and Yemen.

23. Many of these mediation efforts sought to address conflicts or disputes of a political nature. In some cases, mandates from the Security Council or General Assembly provided the basis for conflict prevention and resolution efforts. In others, I offered my good offices personally, or through senior representatives, working with discretion and the consent of the relevant parties. These efforts benefited from a close collaboration between and the expertise of the Department of Political Affairs, its regional offices and special political missions, peacekeeping operations, Resident Coordinators and United Nations country teams, country-level mediation advisers, field-based peace and development advisers, relevant headquarters departments (in particular the Department of Peacekeeping Operations and the Office of Legal Affairs), and the work of other relevant United Nations offices, agencies, funds and programmes.

24. Mediation efforts have also been used to address disputes and conflicts over specific issues, such as natural resources. For example, the United Nations Regional Centre for Preventive Diplomacy for Central Asia plays an important mediation role in promoting the responsible sharing and management of the region's water supply among the five Central Asian States. This type of mediation work is not done solely by the political arm of the United Nations. The United Nations Environment Programme (UNEP) supported natural resources negotiations in the central highlands of Afghanistan; Sudan (Darfur); Haitian-Dominican Republic border; Sistan Basin (Afghanistan and the Islamic Republic of Iran); and the Mesopotamian marshlands (Islamic Republic of Iran and Iraq). In most cases, UNEP provides baseline information to assist negotiations, but on occasion has mediated with the consent of parties.

25. In some of our engagements, we have been able to make progress on increasing the participation of women. Efforts have included the deployment of gender advisers as part of mediation teams and fact-finding missions, capacity-building and the provision of seed money to support women's participation in peace panels. The work of my Special Adviser for Yemen, Jamal Benomar, is a case in point. Throughout his engagement, he has held regular meetings with representatives of women's groups to canvas their views and concerns. He also clearly explained United Nations principles and standards relating to women and peace and security to government officials and stressed that a transition process must include the participation of women. As a result of those efforts, the 2011 Yemen Transition Agreement called for women to be represented in key institutions. Notwithstanding the support of the Gulf Cooperation Council and the United Nations, the real credit must go to Yemeni women and youth, including Nobel

Laureate Tawakkol Karman. Nevertheless, additional efforts will be necessary to transform the commitments into reality.

26. In many cases, the United Nations worked in close partnership with regional and subregional organizations, establishing a clear and complementary division of labour. In others, joint mediation efforts were undertaken with the appointment of a joint mediator accountable to both the United Nations and the regional actor, as seen in the Sudan (Darfur), Georgia and the Syrian Arab Republic. Where formal arrangements were not possible in a particular mediation process, cooperation was maintained through information sharing and joint strategy development and planning.

27. But not all our partnership efforts have been successful. This past year, in the case of Libya, we witnessed the difficulties of collaboration when the Security Council and the African Union disagreed on a common approach and strategy; a situation compounded by the multiple actors that offered to mediate and the plethora of road maps that were announced as solutions to the crisis. With time and distance, it will be important to come together to review this experience and learn from it.

28. Our work to support formal mediation processes is complemented by the efforts to assist national and civil society actors to develop their mediation capacities. Since 2003, the United Nations Development Programme (UNDP) has provided support to local mediation and dialogue processes at both national and local levels in 40 countries. For example, this took the form of the Common Space Initiative in Lebanon to create inclusive spaces for dialogue and knowledge sharing in which sensitive issues and challenges of common national concern could be addressed; or the strengthening of existing conflict resolution mechanisms at the local level in Kyrgyzstan.

B. Operational preparedness

29. To deal with the increased complexity of current conflicts, mediation processes have to be well prepared and supported. Preparedness must include the ability to quickly deploy mediators and qualified support personnel to conflict areas and to provide mediators with expertise on relevant thematic issues.

30. The United Nations has enhanced its operational readiness to implement and support mediation efforts. The key innovation in this regard is the 2006 establishment of the Mediation Support Unit in the Department of Political Affairs, which is now acknowledged as the central hub for mediation support within the United Nations system, capable of assisting the peace efforts of the United Nations, Member States, regional organizations and others. The capacities in the Unit complement the expertise available in the United Nations system. Between 2008 and 2011, the Unit provided a range of support services to more than 35 mediation, facilitation and dialogue processes.

Standby Team of Mediation Experts

31. A critical tool in the rapid response capability of the Department of Political Affairs is the Standby Team of Mediation Experts. These experts, deployable within 72 hours, are specialists in process design, constitution-making, gender issues, sharing of natural resources, power-sharing and security arrangements. Three out of

the seven experts are women. They are normally available to remain in the field for about a month. To give an indication of the demand for this rapid response capacity, from 2008 to 2011 Standby Team members were deployed on more than one hundred occasions. Longer-term needs are met by the Department of Political Affairs through its mediation roster.

Rosters

32. My report on peacebuilding in the immediate aftermath of conflict (A/63/881-S/2009/304) highlighted the importance of rosters of experts. In the field of mediation, it is particularly important to have access to specialized personnel to fill needs at different points and levels of a peace process. To date, several related rosters have been established within the United Nations system.

33. In order to establish and sustain mediation processes, the Department of Political Affairs maintains a roster with some 240 pre-vetted thematic, operational and senior mediation experts. These experts come from 70 countries, and 37 per cent of them are women. In selecting roster experts, special emphasis is given to practical mediation experience, geographical representation, linguistic skills and balanced representation of women and men. Since becoming operational in mid-2011, the roster has responded to over 80 mediation requests. Requests for services from experts on the roster may be made by all entities of the United Nations system, regional or subregional organizations, non-governmental organizations and Member States.

34. On some specific issues, mediation processes may draw upon rosters managed by United Nations specialized agencies, such as the UNEP roster of technical experts on natural resource management in fragile or post-conflict areas.

35. Focusing on expertise with regard to national and local capacities in conflict prevention and mediation, UNDP manages a roster that includes around 150 experts on facilitation and dialogue, conflict analysis and training, and conflict prevention and peacebuilding programming. To further our outreach to gender experts, additional attention has also been paid to identifying strong national and regional women's organizations with experience in peace processes. To this end, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) established a database that collects information about women's organizations engaged in various roles in peace processes and assesses their quality and the type of expertise they can provide.

Knowledge products

36. Mediators and their teams require analytical support and guidance throughout the different stages of a peace process. At the outset of a mediation effort, the Department of Political Affairs provides an induction package composed of three key knowledge products: the Special Envoy Briefing Package, the United Nations Manual for Mediators: advice from United Nations Representatives and Envoys, and the Mediation Start-up Guidelines. The aim of the briefing package is to ensure that new envoys are well prepared for their assignments and provided with mediation-related information about the United Nations, key policies and guidance, technical tools and country information. The manual, developed with the United Nations Institute for Training and Research, is a "how to" for envoys on the strategies and techniques of mediation. Short vignettes, drawn from the extensive experience of

past United Nations special representatives and envoys, are used to illustrate key mediation themes. The start-up guidelines provide information on assessment, establishment and management of a mediation process, including its administrative and logistics aspects.

37. In addition to this induction package, in 2011, generic guidance has been developed in three important areas of our mediation work. These included guidance on addressing conflict-related sexual violence in ceasefire and peace agreements, and two further guidance papers on natural resources, in cooperation with research institutions, and on ceasefire negations and management, which are currently being finalized. In 2012, the Department of Political Affairs developed guidance on women's participation in conflict mediation, including training modules. This generic guidance, as well as a databank of peace agreements and other relevant documents, will be available shortly on the Department's redesigned United Nations peacemaker website (www.un.org/peacemaker), which will be relaunched in the fall.

38. At the relevant points of a mediation effort, case-specific guidance is developed in response to requests from mediators. Since 2008, the Mediation Support Unit and its standby team of experts have developed 63 technical papers in the areas of: process design; power-sharing; constitutions; political transitions; ceasefires, disarmament, demobilization and reintegration and security sector reform; wealth-sharing; natural resources; justice, truth and reconciliation; and implementation modalities.

Training

39. Mediation is a specialized activity which requires adequate training. Since 2008, mediation and dialogue training courses have been conducted to equip junior and mid-level United Nations staff with key mediation knowledge and techniques. In addition, dedicated one-on-one mediation trainings have been provided to special envoys and special representatives.

40. Training has also been undertaken in specific dimensions of mediation processes. For example, in April 2012, the Department of Political Affairs, in partnership with the Norwegian Defence College organized the first international Ceasefire Negotiations and Management Course in Oslo. This training course was the culmination of a two-year research project. Participants were drawn from the political, military, legal, humanitarian, communications and academic fields.

41. Some training courses have had the added value of deepening our partnership with regional organizations, since the African Union, the Association of Southeast Asian Nations (ASEAN), and the Organization of Islamic Cooperation (OIC) have also been invited to participate. In certain cases, dedicated training activities between the United Nations and regional organizations were also conducted. Examples include the series of lessons learned and after action reviews jointly conducted with the African Union between 2008 and 2010.

42. With support of voluntary extrabudgetary contributions, the Department of Political Affairs has also developed training modules on addressing women, peace and security in mediation in 2011. The training covers a broad range of issues in Security Council resolution 1325 (2000) that are relevant to the core mandate of the Department of Political Affairs.

C. Capacity-building at the regional, national and local levels

43. In my report on enhancing mediation and its support activities (S/2009/189), I emphasized that the United Nations does not have a monopoly on mediation. In the present section, I will outline some steps taken to work with regional, subregional and other international organizations as well as with Member States, at the national and local levels, in order to develop their capacities and our joint collaboration to stem the recurring tide of conflict.

Support to regional and subregional organizations

44. Given the role of regional arrangements and agencies in Chapter VIII of the Charter of the United Nations, the Organization has prioritized support to those actors seeking to establish their mediation capacities, building on the existing desk-to-desk interactions between the United Nations and regional organizations.

45. The African Union has put in place an innovative peace architecture, including its early warning system, Panel of the Wise and its mediation roster. Our support to the African Union, detailed in two mediation capacity-building work programmes (2009-2010 and 2011-2012), includes the development of guidelines on United Nations-African Union mediation partnership; support to the African Union mediation roster manager; semi-annual African Union-United Nations desk-to-desk meetings; gender and mediation training; as well as lessons learned workshops on United Nations-African Union-regional economic communities cooperation. The establishment of the United Nations Office to the African Union has further enhanced our ability to work closely with the African Union on mediation as well as other aspects of peace and security.

46. Much of this work is done in close partnership with non-governmental organizations, such as the Crisis Management Initiative, the Centre for Humanitarian Dialogue, the African Centre for the Constructive Resolution of Disputes, and the Folke Bernadotte Academy. Other entities, such as the International Peace Institute, the Centre for Mediation in Africa of the University of Pretoria, and the Institute for Security Studies have also worked to strengthen the capacity of the African Union in mediation, providing training, analysis, building institutional capacity or engaging directly in supporting the African Union in mediation processes.

47. As part of our comprehensive partnership with ASEAN, we have strengthened understanding of the work of the United Nations and ASEAN on good offices, facilitation and mediation; exchanged lessons learned and best practices; identified areas of capacity-building; facilitated joint training; and established the appropriate modalities for cooperation. This took the form of a study visit from ASEAN to the Mediation Support Unit (September 2011), and joint workshops on lessons learned and best practices in peacemaking, peacekeeping and peacebuilding in Jakarta in December 2011 and February 2012.

48. In Europe, the United Nations has shared with the European Union pertinent experience and lessons learned on mediation support, and the establishment of a mediation support unit. This included a series of seminars and short training sessions for staff members of the European Union on thematic issues relevant to mediation processes, as well as a desk-to-desk dialogue on conflict prevention between the European Union and the United Nations. Those efforts have contributed

to the establishment of the European Union's own mediation support capacity in the European External Action Service. With the Organization for Security and Cooperation in Europe (OSCE), a joint training on mediation and its support activities was conducted in April 2010 to equip United Nations and OSCE staff members with the skills to identify entry points for preventive diplomacy, conflict prevention, dispute management and transformation and to plan dialogue and mediation strategies and support activities, including capturing and sharing lessons learned. OSCE, following Ministerial Council Decision No. 3/11 on Elements of the Conflict Cycle (December 2011), is currently preparing a proposal for maximizing the continuity, consistency and effectiveness of its mediation engagements.

49. In 2011, the United Nations and the Organization of American States (OAS) established a one-year Mediation Partnership Workplan, which included support from the Mediation Support Unit to two rounds of national dialogue training. Those trainings, attended by government officials from Central America (July 2011) and South America (November 2011), focused on utilizing dialogue as a conflict prevention tool to manage emerging social tensions at the national level. In addition, the United Nations has also assisted OAS to develop its mediation expert roster system, and OAS representatives regularly participate in mediation workshops conducted by the United Nations.

50. In 2011, the United Nations and OIC also adopted a one-year workplan focused on strengthening the mediation capacity of the OIC Secretariat. Within this plan, implemented activities include the study visit by a senior staff member from the cabinet of the OIC Secretary-General to the Department of Political Affairs and a joint workshop on institutionalizing mediation capacity in December 2011.

Capacity-building for national and civil society actors

51. The United Nations has worked to strengthen national and local capacities for managing conflicts, which have the potential to complement external third-party mediation. In 2010, UNDP brought together government and civil society representatives from 14 African countries to exchange experiences and best practices with regard to the development of national infrastructures for peace. These national bodies aim to provide a forum to find internal solutions to conflicts, either through mediation or dialogue processes. In 2011, a subsequent discussion convened by the Government of Ghana brought together experiences as diverse as those from Colombia, Costa Rica and Kyrgyzstan. Guyana, Nepal and Timor-Leste are also among the countries that have recently invested in such capacities.

52. Similarly, in 2011, UNEP initiated a process to assess the many imbalances related to natural resources between Haiti and the Dominican Republic, which create both sources of tension as well as opportunities for cooperation. This work informs and brings together the authorities of the two countries in a joint effort to defuse sources of tension and address issues of mutual concern.

53. In the past year, UN-Women, in partnership with the Department of Political Affairs and others, has provided conflict prevention and mediation training to around 200 women leaders from the Balkans, Central and South-East Asia, West Africa and Zimbabwe. There were similar efforts in Central Asia and West Africa aimed at equipping government officials and civil society leaders with the ability to address gender dimensions in mediation processes. The value of such training was demonstrated when electoral tensions affected Senegal in February 2012.

Senegalese participants from the West Africa training developed a joint plan of action with the United Nations Office in Western Africa to scale up women's leadership in mitigating tensions and their impact on women.

54. In Timor-Leste, with UNDP capacity-building support, Timorese women government mediators engaged with more than 150 communities in a process to resolve community disputes without resorting to violence; while in Fiji, the UNDP capacity-building programme for women leaders in conflict prevention and dialogue processes contributed to the establishment of an independent platform for dialogue between State officials, members of the military council and civil organizations. The challenge remains to engage those newly trained women in mediation.

55. Other efforts have focused on building capacity for a more inclusive participation in peace processes, such as the efforts of the human rights component of the African Union-United Nations Hybrid Operation in Darfur to inform the participation of national and civil actors in the Doha peace process, specifically on the issue of transitional justice.

D. Partnership and coordination

56. The General Assembly has recognized that the field of mediation is getting crowded and, in some cases, this has had a negative impact on the effectiveness of mediation efforts. For this reason, in operative paragraph 14 of resolution 65/283, the Assembly stressed the importance of partnerships and coordination of international, regional and subregional organizations with the United Nations, with each other, and with civil society, as well as of developing mechanisms to improve information-sharing, cooperation and coordination.

57. Collaboration and partnership among different actors involved in mediation is essential. Only when we take advantage of our respective comparative advantages,[9] will we be able to effectively deal with the challenges in a mediation process from the high-level initiatives to the grass roots. I am pleased to report that there are positive developments in this area. Today, we see the international mediation community conscious of the damaging consequences of uncoordinated mediation initiatives and making a genuine effort to counteract this problem and to play to respective strengths. To date, several cooperative mechanisms have been developed and other emerging networks are discernible on the horizon.

Current mediation networks

Annual meetings of regional organizations at the expert level

58. A network which has proven valuable is the meeting of conflict prevention and mediation specialists from the United Nations, subregional, regional and other international organizations. This initiative was conceived at my 2010 retreat with heads of regional organizations. To date, there have been two meetings at the expert level. In 2010, the United Nations and OSCE brought together senior representatives from the United Nations and key regional organizations to foster closer cooperation and knowledge-sharing on preventive and quiet diplomacy, dialogue facilitation and

[9] The annex to my report on enhancing mediation and its support activities (S/2009/189) provides an overview of the comparative advantages of different international actors for mediation.

mediation. In 2012, the meeting of experts took place in Jeddah, Saudi Arabia, under the auspices of OIC, OSCE and the United Nations. That meeting focused on getting the perspectives of regional and other international actors for the development of the guidance for effective mediation.

Mediation support network

59. The Mediation support network[10] is an informal global network of non-governmental organizations that support mediation processes. Co-founded by the United Nations and the Swiss Peace Foundation in 2008, the network currently consists of 14 organizations from different regions. The network aims to regularly connect mediation (and mediation support) organizations to share information on their activities; encourage and initiate joint activities; share analysis of trends and ways to address emerging challenges in the field of mediation. A trust fund is being developed to support the active participation from underrepresented regions.

Group of Friends of Mediation

60. Formed in September 2010, the Group of Friends of Mediation has proved to be a useful constellation of Member States and regional actors that have worked to promote the use of mediation. This group currently consists of 28 Member States and seven regional/international organizations. Initiated and co-chaired by Finland and Turkey, it has worked, inter alia, to raise awareness of the need for the peaceful settlement of disputes through mediation, encourage relevant actors, including regional arrangements, to undertake mediation, and highlight the importance of the participation of women in all stages and at all levels of a mediation process. Focal points are designated both in New York and in the respective capitals.

United Nations Mediation Focal Point system

61. Within the United Nations, we continue to maintain two focal point systems to coordinate our efforts on mediation. In the Department of Political Affairs, mediation focal points include each of the regional divisions, the Office of the Under-Secretary-General and the Executive Office. The Mediation Support Unit chairs a fortnightly meeting of those focal points to discuss: required support to mediation efforts; capacity-building and training issues; and guidance and policy development. At the level of the United Nations system, the Unit chairs regular meetings of mediation focal points from 18 departments, agencies and funds (including the Executive Office of the Secretary-General) to raise awareness on mediation issues, promote joint trainings, and formulate mediation guidance from a system-wide perspective.

Emerging mediation networks

62. In the period ahead, I am committed to strengthening our collaboration with three other communities working on mediation issues: the academic community; religious leaders working on mediation; and States engaged in mediation.

[10] See http://www.mediationsupportnetwork.net.

Academic advisory council on mediation

63. I believe that we need to do more to connect theory and practice in the field of mediation. The cutting edge research conducted globally by many academic institutions on what does and does not work in international mediation can benefit practitioners. Likewise, scholars working in this field can also benefit from closer interaction with practitioners to understand the challenges and dilemmas confronting them. For this purpose, the Department of Political Affairs is in the process of establishing an academic advisory council on mediation. The advisory council, which is envisaged will meet once or twice a year, will allow the United Nations to tap into the best research and knowledge available from the global academic community.

Religious Leaders Community for Mediation

64. Religious leaders and faith-based organizations play an important mediating role in many conflict situations. These leaders have unique connections to local communities and frequently enjoy the trust of the conflicting parties. Yet, these actors are often not fully acknowledged, and their potential contribution remains underutilized. For the purpose of developing the guidance for effective mediation, the Department of Political Affairs worked with Religions for Peace, a multireligious coalition, and Finn Church Aid to canvass the views and experiences of religious peacemakers working in conflict-affected countries. This was the first step towards establishing a more in-depth partnership to better connect the efforts of the United Nations with these important peace advocates.

States engaged in mediation

65. States are the most active mediators in international affairs. While some States benefit from a long-standing tradition of mediation and others have only recently become engaged in mediation, these States have very important roles as mediators, mediation supporters and members of Friends groups. Taking into account their vast experience and expertise, it is important to strengthen the exchange of lessons learned and the collaboration among them. Under the auspices of Switzerland and in partnership with the Friends of Mediation, some of these Member States who mediate met in a workshop from 9 to 11 May 2012 to exchange lessons learned on their mediation efforts. This also provided useful insights for the Guidance for Effective Mediation.

E. Women's participation in mediation

66. We are making slow but steady progress on enhancing the participation of women in peace processes. In 2010, Member States reaffirmed their strong commitment to women's representation in peace processes at the commemoration of the tenth anniversary of Security Council resolution 1325 (2000). I placed this issue front and centre of my seven-point action plan on women's participation in peacebuilding with firm commitments to increased participation of women in conflict resolution. Through this action plan, I have set for the Organization four concrete targets on women and mediation to be achieved in my second term: the appointment of a woman United Nations chief mediator; increased representation of

women in mediation and negotiation teams; provision of gender expertise; and systematic consultation of women civil society organizations.

67. To implement this set of targets, in 2011 the Department of Political Affairs and UN-Women launched a joint strategy on gender and mediation, which is beginning to show results. We now have gender expertise as well as women on almost all United Nations mediation teams. Women civil society organizations were systematically consulted in about half of the ongoing United Nations mediation efforts. In Cyprus, for example, we witnessed the provision of gender perspectives to the negotiations, including the appointment of dedicated gender focal points on the negotiation teams.

68. As I outlined in section II above, mediation is increasingly being undertaken in our political and peacekeeping missions. Today there are 10 female special representatives and deputy special representatives. Moreover, the majority of missions have gender advisers. As part of our recent work in establishing a mediation roster, the Department of Political Affairs is now compiling a short list of senior women mediators for future deployment.

69. While I am heartened by the progress that we are making, I am also cognizant that a great deal remains to be done. Some steps that I intend to take to enhance our contribution to this issue in the coming year include: continue to ensure the participation of women in United Nations mediation teams; require my envoys and mediators to consult women leaders and organizations early in the peace process and set up regular and structured consultations; explore, persuade and, where appropriate, support negotiating parties to establish mechanisms/forums to enable civil society actors to engage in the peace process; and offer gender expertise to every negotiating team.

F. Resources

70. Since the adoption of the 2005 World Summit Document, States have made some progress in providing the Organization with the resources it needs to undertake its mandated role in preventive diplomacy and mediation. In 2008, the Department of Political Affairs was strengthened, in part, with 49 of the requested 101 posts. While a number of options are available to finance our mediation efforts — including the Secretary-General's unforeseen and extraordinary expenses account, the Peacebuilding Fund, the regular budget and the peacekeeping budget assessments — resources for the majority of our mediation and good offices work have to be obtained through voluntary contributions.

71. In this regard, I would like to extend my appreciation to the donors who have provided financial resources to ensure our support to peace processes globally. In all these cases, the ability to travel quickly to address rising tensions or take advantage of narrow windows of opportunities in mediation processes is vital. For this reason, the Department of Political Affairs has established two rapid response funds (one for mediation/conflict prevention and one for elections) where pre-positioned funding can be used to rapidly deploy envoys and staff, and to provide the necessary logistical support. The flexible contributions from Member States have also been instrumental in allowing us to undertake the majority of our travels to conflict areas as well as build our own mediation capacity and those of our partners.

72. In 2011, donors contributed $12 million to the Department of Political Affairs multi-year appeal; but this amount represented only 67 per cent of requirements. The Department is undertaking efforts to further broaden its donor base by reaching out to non-traditional donors.

73. Recently, we have also seen the Peacebuilding Commission and the Peacebuilding Fund as useful sources of support for the implementation of the provisions of peace agreements through peacebuilding plans, especially local and national reconciliation and dialogue. To date, the Peacebuilding Fund has invested $65.6 million in local and national reconciliation and political dialogue projects across 15 countries.[11] The fund has supported a variety of initiatives that have contributed to resolving conflicts at community levels and at times have helped unblock political deadlocks. Nine per cent ($5.9 million) of those funds have been invested to empower women's participation in these efforts, while an additional 40 per cent ($26.3 million) of these funds seek to mainstream the specific needs of women.

G. Preface to the Guidance for Effective Mediation

74. The Guidance for Effective Mediation (see annex I) is drawn from an extensive consultation process. It is based on the experience and inputs from Member States; subregional, regional and other international organizations; non-governmental organizations working on mediation; women leaders and groups; faith-based organizations; the World Bank; the Peacebuilding Commission; and the broader United Nations system.

75. While every mediation process has to respond to the specificity of the conflict in question, our consultations found a significant convergence on a number of fundamentals for effective mediation. As a reference document for mediation, the Guidance aims to generate better understanding of the aims and approaches of mediation, as well as to provide insights on how to design and manage effective mediation processes.

76. I am confident that the Guidance for Effective Mediation will assist the United Nations and other relevant actors to mediate more professionally and, where required, to arrive at more cohesive and complementary approaches. This puts a premium on raising awareness about the Guidance, including through training, and encouraging all mediators and support actors to follow it in their endeavours to prevent and resolve disputes and conflicts peacefully.

IV. Conclusion

77. The United Nations has come a long way in adapting mediation to contemporary challenges. While progress has been made, there is potential to do much more. Recalling the trends outlined in the present report, below are some areas where efforts to strengthen the role and effectiveness of mediation require more emphasis:

[11] Burundi, Central African Republic, Comoros, Côte d'Ivoire, Democratic Republic of the Congo, Guinea, Guinea-Bissau, Kenya, Kyrgyzstan, Liberia, Libya, Sierra Leone, Somalia, the Sudan and Yemen.

(a) We can better link national and local capacities to the mediation efforts of the international community. While national capacities for conflict management are crucial elements to sustain peace, a lack of awareness or investments to nurture these capacities can undercut the overall potential of mediation. Consistent support to national and local capacity, including that of civil society and women leaders, is essential in preventing recurring cycles of violence and tension;

(b) We must further promote women's participation in mediation processes. Despite some positive developments in this area, challenges remain. The United Nations will continue to do its part to push for the adequate representation of women and availability of gender expertise in peace process. Adequate resources and the political will to facilitate the inclusion of women at all levels must be provided;

(c) The establishment of networks among mediating actors has already had positive impacts on addressing the challenges of a more diverse and crowded field. I will continue to reach out to different mediating actors and support the establishment of such networks. Closer collaboration with other organizations, intergovernmental and non-governmental, as well as civil society and religious peacemakers, is the way forward. Likewise, better interaction with the academic community working on mediation will help us to deepen our knowledge on mediation;

(d) United Nations mediation efforts still rely disproportionately on voluntary contributions. The Department of Political Affairs continues to be understaffed, political missions are underresourced in relation to their mandates, and staff at Headquarters and in the field still lack adequate mediation training. Furthermore, the work of the Department of Political Affairs is constrained by its limited travel funds. The building of networks among different mediating entities and the ability of the Organization to leverage partnerships are positive developments and will go some way in addressing the shortfall in predictable financial resources. However, networks and partnerships can neither fully plug the funding gap nor place a core mandate of the United Nations on solid ground.

78. Our experience has provided us with valuable insights on how mediation can contribute to conflict prevention and resolution. Building on this experience and acting in concert with all relevant actors, I believe that we can make the best possible use of the potential of mediation to peacefully resolve disputes and conflicts.

Annex I

United Nations Guidance for Effective Mediation

Introduction

1. The Charter of the United Nations identifies mediation as an important means for the peaceful settlement of disputes and conflicts, and it has proven to be an effective instrument to address both inter-State and intra-State conflicts. *The United Nations Handbook on the Peaceful Settlement of Disputes between States* (1992) further developed understanding of mediation of disputes between States and remains a useful resource.

2. The report of the Secretary-General on Enhancing mediation and its support activities (S/2009/189) examined the mediation challenges faced by the United Nations and its partners and outlined some considerations for strengthening mediation processes. Mediation actors have continued to adapt their approaches and capacities to meet the changing nature of conflict, particularly in recognition of intra-State conflicts as a threat to international and regional peace and security. General Assembly resolution 65/283, entitled "Strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution", which was adopted by consensus, recognized the increased use of mediation, reflected on current challenges facing the international community in such mediation efforts, and called on key actors to develop their mediation capacities. The General Assembly also requested the Secretary-General, in consultation with Member States and other relevant actors, to develop guidance for more effective mediation, taking into account, inter alia, lessons learned from past and ongoing mediation processes.

3. Prepared in response to the request of the General Assembly and in conformity with the Charter of the United Nations, the Guidance aims to inform the design and management of mediation processes. It is intended as a resource for mediators, States and other actors supporting mediation efforts but is also relevant for conflict parties, civil society and other stakeholders. It emphasizes the need for a good understanding of mediation and an appreciation of both its potential and limits as a means for conflict prevention, management and resolution.

About the Guidance

4. The Guidance draws on the experience of the international community. Inputs from Member States, the United Nations system, regional, subregional and other international organizations, non-governmental organizations (NGOs), women's groups, religious leaders, the academic community, as well as mediators and mediation specialists, informed its development.

5. The Guidance is not an exhaustive reflection on mediation, nor does it seek to address each of the specific needs or approaches of different mediators, be they States, multilateral, regional or subregional organizations, NGOs or national mediators. Rather, the Guidance aims to address several major issues, in particular the need for a more professional approach to mediation; the requirement for coordination, coherence and complementarity in a field that is becoming increasingly crowded; and the need for mediation efforts to be more inclusive.

6. To address these issues, the Guidance identifies a number of key fundamentals that should be considered in a mediation effort: preparedness; consent; impartiality; inclusivity; national ownership; international law and normative frameworks; coherence, coordination and complementarity of the mediation effort; and quality peace agreements. The Guidance explains each fundamental, outlines some potential challenges and dilemmas facing mediators and offers some guidance. Throughout, the Guidance recognizes the complexity of the environment within which mediators work and that in many instances mediators confront problems and difficulties they may not be able to resolve. Each situation must be approached differently, and ultimately the political will of the conflict parties is the determining factor for success. Nevertheless, careful attention to these fundamentals can increase the prospects for a successful process, minimize the potential for mediator error and help generate an environment more conducive to mediation.

Mediation logic

7. Mediation often exists alongside facilitation, good offices and dialogue efforts. Mediation, however, has its own logic and approach, aspects of which may be relevant to other approaches to the peaceful settlement of disputes.

8. Mediation is a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements. The premise of mediation is that in the right environment, conflict parties can improve their relationships and move towards cooperation. Mediation outcomes can be limited in scope, dealing with a specific issue in order to contain or manage a conflict, or can tackle a broad range of issues in a comprehensive peace agreement.

9. Mediation is a voluntary endeavour in which the consent of the parties is critical for a viable process and a durable outcome. The role of the mediator is influenced by the nature of the relationship with the parties: mediators usually have significant room to make procedural proposals and to manage the process, whereas the scope for substantive proposals varies and can change over time.

10. Rather than being a series of ad hoc diplomatic engagements, mediation is a flexible but structured undertaking. It starts from the moment the mediator engages with the conflict parties and other stakeholders to prepare for a process — and can include informal "talks-about-talks" — and may extend beyond the signing of agreements, even though the function of facilitating the implementation of an agreement may best be performed by others.

11. An effective mediation process responds to the specificity of the conflict. It takes into account the causes and dynamics of the conflict, the positions, interests and coherence of the parties, the needs of the broader society, as well as the regional and international environments.

12. Mediation is a specialized activity. Through a professional approach, mediators and their teams provide a buffer for conflict parties and instil confidence in the process and a belief that a peaceful resolution is achievable. A good mediator promotes exchange through listening and dialogue, engenders a spirit of collaboration through problem solving, ensures that negotiating parties have sufficient knowledge, information and skills to negotiate with confidence and broadens the process to

include relevant stakeholders from different segments of a society. Mediators are most successful in assisting negotiating parties to forge agreements when they are well informed, patient, balanced in their approach and discreet.

13. Effective mediation requires a supportive external environment; most conflicts have a strong regional and international dimension. The actions of other States can help to reinforce a mediated solution or detract from it. A mediator needs to withstand external pressures and avoid unrealistic deadlines while also developing the support of partners for the mediation effort. In some circumstances the mediator's ability to harness incentives or disincentives offered by other actors can be helpful to encourage the parties' commitment to a peace process.

14. By its very existence, a mediation process has an impact on the balance of power and political calculations within and between different groups. Mediators and the international community, as support actors, need to be sensitive to both the positive and the potentially negative impacts of a mediation process. Mediators need to retain the option either to put their involvement on hold or to withdraw. This may be appropriate if they consider that the parties are pursuing talks in bad faith, if the evolving solution is at odds with international legal obligations, or if other actors are manipulating the process and limiting the mediator's room for manoeuvre. However, this is a sensitive political decision, which needs to weigh the risks of withdrawing against the value of keeping the parties at the table in a faltering process while exploring alternative means for the peaceful settlement of disputes.

15. Not all conflicts are amenable to mediation. There are some indicators that suggest the potential for effective mediation. First and most importantly, the main conflict parties must be open to trying to negotiate a settlement; second, a mediator must be accepted, credible and well supported; and third, there must be general consensus at the regional and international levels to support the process. When an effective mediation process is hampered, other efforts may be required to contain the conflict or to mitigate the human suffering, but there should be constant efforts to remain engaged so as to identify and seize possible windows of opportunity for mediation in the future.

Mediation fundamentals

16. The section below outlines key mediation fundamentals that require consideration for an effective process.

Preparedness

17. Responsible and credible mediation efforts require good preparation. Preparedness combines the individual knowledge and skills of a mediator with a cohesive team of specialists as well as the necessary political, financial and administrative support from the mediating entity.

18. While not predetermining the outcome, preparedness entails the development of strategies for different phases (such as pre-negotiations, negotiations and implementation), based on comprehensive conflict analysis and stakeholder mapping, including examination of previous mediation initiatives. Since a mediation process is never linear and not all elements can be fully controlled, strategies need to be flexible to respond to the changing context.

19. Preparedness allows the mediator to guide and monitor the mediation process, help strengthen (where necessary) the negotiating capacity of the conflict parties and other stakeholders, assist them in reaching agreements, and galvanize support (including among international actors) for implementation. A well-prepared and supported mediator is able to manage expectations, maintain a sense of urgency while avoiding quick-fix solutions, and effectively respond to opportunities and challenges in the overall process.

Guidance

20. Preparedness is first and foremost the responsibility of States or organizations seeking to play a mediating role. These entities should be ready to:

- Commit resources to respond rapidly and to sustain support for the mediation process, including deployment of personnel on a continuous basis for medium- and long-term engagements.
- Select a competent mediator with the experience, skills, knowledge and cultural sensitivity for the specific conflict situation. The mediator should be considered objective, impartial and authoritative and be a person of integrity. The mediator needs a level of seniority and gravitas commensurate to the conflict context and must be acceptable to the parties. Some disputes require discreet engagement, whereas others need more high-profile initiatives.
- Reinforce the mediator with a team of specialists, particularly experts in the design of mediation processes, country/regional specialists and legal advisers, as well as with logistics, administrative and security support. Thematic experts should be deployed as required.
- Undertake conflict analysis and regular internal assessments of the process in order to make adjustments to the mediation strategies as needed.
- Provide proper preparation, induction and training for mediators and their teams. All team members should understand the gender dimension in their respective areas of expertise.
- Include a balance of men and women on mediation teams. This also sends a positive signal to the parties with regard to the composition of their delegations.

Consent

21. Mediation is a voluntary process that requires the consent of the conflict parties to be effective. Without consent it is unlikely that parties will negotiate in good faith or be committed to the mediation process.

22. A range of issues can affect whether conflict parties consent to mediation. The integrity of the mediation process, security and confidentiality are important elements in cultivating the consent of the parties, along with the acceptability of the mediator and the mediating entity. However, the dynamics of the conflict are a determining factor, and whether parties consent to mediation may be shaped by an interest to achieve political goals through military means, by political, ideological or psychological considerations, or by the actions of external players. In some instances, parties may also reject mediation initiatives because they do not understand mediation and perceive it as a threat to sovereignty or outside interference. In a multi-actor conflict, some, but not all, conflict parties may agree

to the mediation, leaving a mediator with the difficult situation of partial consent to commence a mediation process. Moreover, even where consent is given, it may not always translate into full commitment to the mediation process.

23. Consent may sometimes be given incrementally, limited at first to the discussion of specific issues before accepting a more comprehensive mediation process. Consent may be conveyed explicitly or more informally (through back channels). Tentative expressions of consent may become more explicit as confidence in the process increases.

24. Once given, consent may later be withdrawn, especially when there are differences within a party. Armed or political groups may splinter, creating new pressures on the negotiations process. Some splinter groups may pull out of the mediation all together and seek to derail the process.

Guidance

25. Mediators need to create a common understanding with the conflict parties on the mediator's role and the ground rules of the mediation. This understanding may be affected by formal mandates for the potential mediation effort or by informal arrangements with the parties. Based on this, mediators need to:

- Understand whose consent is necessary for a viable mediation process to start. If only some of the conflict parties have agreed to the mediation, the mediator may need to engage with the consenting parties and gradually expand the consent base. Such a judgement of "sufficient consent" should be based on an analysis of the different constituencies and an assessment of the possible impact of an initially limited mediation process, as well as the potential for excluded parties to derail the process.
- Cultivate consent, in order to create the space for, and a good understanding of, mediation. Informal contacts allow parties to test the waters without committing to a fully fledged mediation process; this can help address possible fears or insecurities.
- Engage with local and community-based actors or organizations, including women's groups, as well as external actors with access to and relationships with conflict parties to encourage the use of mediation.
- Use confidence-building measures at different stages to build trust between the conflict parties and between the mediator and the parties, as well as confidence in the mediation process.
- Be consistent, transparent and even-handed in managing the mediation process, and respect confidentiality.
- Periodically assess whether the process has sufficient consent and be prepared for fluxes in consent throughout the mediation, working to bring the conflict parties back into the process and drawing on the influence of their backers or other third parties as appropriate.

Impartiality

26. Impartiality is a cornerstone of mediation — if a mediation process is perceived to be biased, this can undermine meaningful progress to resolve the

conflict. A mediator should be able to run a balanced process that treats all actors fairly and should not have a material interest in the outcome. This also requires that the mediator is able to talk with all actors relevant to resolving the conflict.

27. Impartiality is not synonymous with neutrality, as a mediator, especially a United Nations mediator, is typically mandated to uphold certain universal principles and values and may need to make them explicitly known to the parties.

Guidance

28. To address the issue of impartiality, mediators should:

- Ensure and seek to demonstrate that the process and the treatment of the parties is fair and balanced, including through an effective communications strategy.
- Be transparent with the conflict parties regarding the laws and norms that guide their involvement.
- Not accept conditions for support from external actors that would affect the impartiality of the process.
- Avoid association with punitive measures against conflict parties by other actors and minimize public criticism of the parties as much as possible, while maintaining frank exchanges in private.
- Handover to another mediator, or mediating entity, if they feel unable to maintain a balanced and impartial approach.

Inclusivity

29. Inclusivity refers to the extent and manner in which the views and needs of conflict parties and other stakeholders are represented and integrated into the process and outcome of a mediation effort. An inclusive process is more likely to identify and address the root causes of conflict and ensure that the needs of the affected sectors of the population are addressed. Inclusivity also increases the legitimacy and national ownership of the peace agreement and its implementation. In addition, it reduces the likelihood of excluded actors undermining the process. An inclusive process does not imply that all stakeholders participate directly in the formal negotiations, but facilitates interaction between the conflict parties and other stakeholders and creates mechanisms to include all perspectives in the process.

30. It cannot be assumed that conflict parties have legitimacy with, or represent, the wider public. Mediation efforts that involve only armed groups may send the signal that violence is rewarded. In addition to generating resentment within other sectors of society, this could encourage others to take up arms in order to get a place at the negotiating table. Civil society actors can play a critical role in increasing the legitimacy of a peace process and are potentially important allies. Women leaders and women's groups are often effective in peacemaking at community levels and should therefore be more strongly linked to the high-level mediation process. However, support from civil society and other stakeholders cannot be taken for granted, as some of these actors may have hard-line positions and oppose the mediation.

31. In designing an inclusive process, mediators face a number of challenges. There may be instances in which not all conflict parties want to engage in mediation or have sufficient levels of coherence to negotiate, making only a partial process

possible. Arrest warrants issued by the International Criminal Court, sanctions regimes, and national and international counter-terrorism policies also affect the manner in which some conflict parties may be engaged in a mediation process. Mediators need to protect the space for mediation and their ability to engage with all actors while making sure that the process respects the relevant legal limitations.

32. In seeking to broaden the process to other stakeholders, mediators may also face constraints from conflict parties who generally seek to determine who, how and when different actors are brought into the process. In some instances, more exclusive dialogue with conflict parties may be required to move the process forward expeditiously, for example in negotiating ceasefires, especially where parties feel too exposed politically or if their security may be compromised. Mediators need to gauge the comfort levels of conflict parties and convince them of the value of broadening participation. They also have to balance having a transparent process with protecting the confidentiality of the talks.

33. Mediators have to grapple with the potential tension between inclusivity and efficiency. Mediation processes become more complex (and may be overloaded) when the consultation base expands and/or multiple forums are used to engage actors at different levels. In addition, it may be difficult to engage interest groups that are not easily defined or lack clear leadership, for example social movements and youth groups. These kinds of issues put a premium on stakeholder mapping, planning and management of the process.

Guidance

34. Building on a comprehensive mapping of all conflict parties and stakeholders, mediators should:

- Identify the level of inclusivity needed for the mediation to start and required for a durable peace that addresses the needs of all affected by the conflict.
- Communicate with any party or actor necessary to address the conflict, with the knowledge of the other negotiating parties.
- Limit contacts with actors that have been indicted by the International Criminal Court to what is necessary for the mediation process.
- Promote understanding among conflict parties of the value of broader participation and minimize preconditions for participation in the process.
- Ensure systematic and structured consultation with women's groups early in the process to allow for meaningful participation, with specific efforts to include them in the mediation process.
- Encourage conflict parties to include women in their delegations.
- Identify partners to help build the capacity of civil society and other relevant stakeholders to engage effectively.
- Develop mechanisms to broaden participation in the process, and to engage and include the different perspectives within civil society and other stakeholders, throughout the various phases of the peace process.
- Use different forms of media, including social media and opinion polls, to expand participation, inform and engage the public and identify potential points of contention.

National ownership

35. National ownership implies that conflict parties and the broader society commit to the mediation process, agreements and their implementation. This is of critical importance because it is the communities who have suffered the major impact of the conflict, the conflict parties, who have to make the decision to stop the fighting, and society as a whole that must work towards a peaceful future. While solutions cannot be imposed, mediators can be helpful in generating ideas to resolve conflict issues.

36. It is challenging, however, for an external mediator to identify whose ownership is necessary and to facilitate ownership of the process beyond people in positions of power. Cultivating and exercising ownership may require strengthening the negotiating capabilities of one or more of the conflict parties, as well as civil society and other stakeholders, to enable their effective participation in the process and ability to engage on often complex issues. The extent to which the process is inclusive has a direct impact on the depth of ownership.

37. National ownership requires adapting mediation processes to local cultures and norms while also taking into account international law and normative frameworks.

Guidance

38. In promoting national ownership, mediators should:

- Consult closely with the conflict parties on the design of the mediation process.
- Inform civil society and other stakeholders about developments in the peace process (respecting confidentiality, where required) and create opportunities and support for them to engage on procedure and substance.
- Guide conflict parties and help them generate ideas for discussion, ensuring they can claim credit for agreements reached.
- Identify which conflict parties may need support to strengthen their negotiation capacity and facilitate access to capacity-building support.
- Encourage and enable conflict parties to inform and consult with their constituencies, including the rank and file, during the mediation process.
- Be aware of the specific cultural approaches to negotiation and communication and leverage those approaches to the greatest advantage of the process; liaise with and ensure support for local peacemakers and, wherever appropriate, draw on indigenous forms of conflict management and dispute resolution.
- Protect the mediation process from the undue influence of other external actors, especially with regard to unrealistic external deadlines or incompatible agendas.
- Sensitize conflict parties to the need to balance national ownership with the importance of marshalling international support for the implementation of an agreement.
- Design a communications strategy to manage expectations, in terms of both what, and the speed at which, the process can deliver.

International law and normative frameworks

39. Mediation takes place within normative and legal frameworks, which may have different implications for different mediators. Mediators conduct their work on the basis of the mandates they receive from their appointing entity and within the parameters set by the entity's rules and regulations. Thus, United Nations mediators work within the framework of the Charter of the United Nations, relevant Security Council and General Assembly resolutions and the Organization's rules and regulations.

40. Mediators also conduct their work within the framework constituted by the rules of international law that govern the given situation, most prominently global and regional conventions, international humanitarian, human rights and refugee laws and international criminal law, including, where applicable, the Rome Statute of the International Criminal Court. In addition to binding legal obligations, normative expectations impact on the mediation process, for example regarding justice, truth and reconciliation; the inclusion of civil society; and the empowerment and participation of women in the process.

41. Consistency with international law and norms contributes to reinforcing the legitimacy of a process and the durability of a peace agreement. It also helps to marshal international support for implementation. However, balancing the demands of conflict parties with the normative and legal frameworks can be a complex process. Mediators frequently have to grapple with the urgency of ending violence in contexts where there is also a clear need to address human rights violations and other international crimes. The applicable law may not be the same for all conflict parties, or their understanding of that law may vary. In addition, while there is a growing international consensus on some norms, not all norms are equally applied in different national contexts and there can be different interpretations within a given society.

Guidance

42. Mediators must be briefed and familiar with the applicable international law and normative frameworks and should:

- Be clear and convey their mandates and the legal parameters applicable to their work.
- Ensure that the parties understand the demands and limits of applicable conventions and international laws.
- Ensure that communications with the conflict parties and other stakeholders on legal matters and normative expectations are consistent; this is particularly important in instances of co-led or joint mediations.
- Be clear that they cannot endorse peace agreements that provide for amnesties for genocide, crimes against humanity, war crimes or gross violations of human rights, including sexual and gender-based violence; amnesties for other crimes and for political offences, such as treason or rebellion, may be considered — and are often encouraged — in situations of non-international armed conflict.

- Explore with the conflict parties and other stakeholders the timing and sequencing of judicial and non-judicial approaches to address crimes committed during the conflict.

- Balance the need to adhere to international norms without overtly taking on an advocacy role; facilitate access for partners and civil society actors to engage directly with conflict parties and other stakeholders regarding applicable norms.

Coherence, coordination and complementarity of the mediation effort

43. The increasing number and range of actors involved in mediation makes coherence, coordination and complementarity of mediation efforts both essential and challenging. Coherence encompasses agreed and/or coordinated approaches, while complementarity refers to the need for a clear division of labour based on comparative advantage among mediation actors operating at the different levels.

44. The actions of the international community, including the United Nations, regional, subregional and other organizations, States, NGOs, national and local actors, all have an impact on mediation, even if their engagement in a given mediation process may vary. This diversity can be an asset, as each actor can make unique contributions at different stages of a mediation process. But multiplicity also risks actors working at cross-purposes and competing with each other. Different decision-making bodies, political cultures, legal and normative frameworks, levels of resources and financial and administrative rules and procedures will make coherence, coordination and complementarity difficult.

45. Joint or co-led mediation initiatives have been used as one way to promote coordination among regional and international organizations. While they have served important political purposes, the results have been mixed. It is generally preferable to have a lead mediator from a single entity based on a strategic partnership and coordination with other mediating entities. The lead has to be established on a case-by-case basis.

46. Coherent support for the mediation effort from international actors and consistent messaging to the conflict parties are other critical aspects in creating an environment conducive for mediation. Interested States and others may not be directly involved in the mediation but still have an impact on the process. Groups of friends and international contact groups, when aligned with the goals of the mediation effort, will often be helpful.

Guidance

47. Mediating organizations, States and others should consider the following guidance to promote greater coherence, coordination and complementarity in their support and engagement in mediation efforts:

- Mediation processes should have a lead mediator, preferably from a single entity. Mediation initiatives with two or more entities should be based on a coherent mandate from the relevant entities with a single lead mediator. This provides clarity, minimizes forum shopping by the conflict parties and facilitates coordination and the development of a coherent mediation process.

- The decision regarding leadership should be reached through consultations between the relevant entities, taking into account the conflict context and based on comparative advantage. Proximity to the parties should be neither dismissed nor taken for granted as an automatic advantage. Acceptability of the mediating body and their mediator by the conflict parties and the potential effectiveness of the mediation should be key considerations.

- Organizational capacity, capability and available resources should be considered in deciding on the division of labour within the mediation environment.

- Mediation actors should work together to agree on the degree of transparency and coordination mechanisms for information sharing. They should cooperate based on a common mediation strategy, ensure consistent messaging to the parties and avoid duplication or overloading the parties with multiple competing processes.

- International actors should consider establishing coordination mechanisms, such as groups of friends or international contact groups, to provide consistent political and resource support for the mediation effort. They should also recognize that there may be circumstances in which such groups risk replicating the conflict dynamics, which would be unhelpful to the process.

Quality peace agreements

48. Different kinds of agreements are reached over the course of a mediation process, ranging from those more limited in scope, such as ceasefires or procedural agreements on the nature of talks, to more comprehensive peace agreements. Furthermore, mediation may be required in the implementation stage, although usually by another set of actors so as to avoid reopening the agreement to negotiations.

49. Peace agreements should end violence and provide a platform to achieve sustainable peace, justice, security and reconciliation. To the extent possible in each situation, they should both address past wrongs and create a common vision for the future of the country, taking into account the differing implications for all segments of society. They should also respect international humanitarian, human rights and refugee laws.

50. Both the characteristics of the process and the contents of the accord determine the viability of a peace agreement. Its durability is generally based on the degree of political commitment of the conflict parties, buy-in from the population, the extent to which it addresses the root causes of the conflict, and whether it can withstand the stresses of implementation — in particular whether there are adequate processes to deal with possible disagreements that arise during implementation.

51. The implementation of peace agreements is often highly dependent on external support. The early involvement in the process of implementation support actors as well as donors can help encourage compliance with sometimes difficult concessions made during the negotiations. Although external support is critical to ensure that conflict parties have the capacity to implement the agreement, too much dependency on external assistance can undermine national ownership.

Guidance

52. To achieve a quality peace agreement, attention must be paid during negotiations and implementation to the process, substance and institutionalization of mechanisms that provide for the non-violent resolution of the conflict and prevent re-emergence of violent conflict. Mediators, conflict parties, other stakeholders and support actors should consider the following criteria:

- The agreement should aim to resolve the major issues and grievances that led to the conflict, either by addressing the root causes directly in the agreement or by establishing new mechanisms and/or institutions to address them over time through democratic processes.
- Where a comprehensive settlement appears unattainable, the mediator should establish with the conflict parties, and through broader consultations, what is the minimum that needs to be achieved in order to commence a peaceful approach to dealing with the remaining aspects of the conflict.
- When agreement cannot be reached on other sensitive issues, the mediator should also help the conflict parties and other stakeholders build into the agreement options or mechanisms for these issues to be addressed at a later time.
- Agreements should be as precise as possible in order to limit the points of contention that would have to be negotiated during the implementation stage.
- The gender dimension of all issues should be clearly articulated, as agreements that are gender neutral have often proven detrimental to the well-being, security and needs of women.
- Agreements should incorporate clear modalities for implementation, monitoring and dispute resolution to address disagreements that may arise during implementation. They should also include guidelines on priorities, the obligations of the respective parties and realistic timetables.
- Local capacity and existing national infrastructures to undertake conflict resolution should be evaluated and strengthened. Agreements should provide for strong dispute resolution mechanisms at different levels, including local and international actors as appropriate, so that problems can be addressed as they arise and not escalate.

Conclusions

53. The Guidance identifies some key fundamentals for effective mediation and provides some suggestions as to how they may be applied in practice. It makes the case for mediators to have expertise and professional support and recognizes the need for careful assessment, proper planning and regular monitoring and evaluation in order to enhance the chances for success and minimize mediator error. The importance of a supportive external environment for the mediation process is underscored, with emphasis placed on the need for cooperation among entities involved in mediation. While all these factors are important, the success or failure of a mediation process ultimately depends on whether the conflict parties accept mediation and are committed to reaching an agreement. If the parties are genuinely willing to explore a negotiated solution, mediators can play an invaluable role.

Annex II

Views of Member States

As part of the consultations on the guidance for effective mediation, the Secretariat of the United Nations invited Member States to submit written inputs. Five questions were provided as a guide for the contributions:

1. What are the qualities of a good mediator?
2. What are the key attributes of an effective mediation process, including during the design and implementation stages?
3. What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?
4. What are the vital elements of a successful peace agreement?
5. How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

The following Member States submitted inputs: Argentina, Armenia, Australia, Belarus, Brazil, Bulgaria, Burkina Faso, Canada, Colombia, Cuba, Cyprus, Democratic People's Republic of Korea, Finland, France, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kuwait, Kyrgyzstan, Lithuania, Mexico, Montenegro, Morocco, New Zealand, Norway, Panama, Philippines, Romania, Russian Federation, Slovenia, Spain, Sweden, Switzerland, Thailand, Turkey and Venezuela (Bolivarian Republic of).

Appended below are the written inputs from Member States that opted to have them included in this annex.

Argentina

[Original: Spanish]

What are the qualities of a good mediator?

A mediator must be objective, have knowledge of the question being addressed and maintain an equal distance from the parties involved. Within the United Nations framework, the Secretary-General is in an ideal position to act as both mediator and provider of good offices between the parties, in fulfilment of any task assigned to him by the Security Council or General Assembly and in line with the highest standards of efficiency, competence and integrity required by the Charter of the United Nations. In carrying out such tasks he will need to take account of the purposes and principles of the Charter and the relevant resolutions of the United Nations.

What are the key attributes of an effective mediation process, including during the design and implementation stages?

Mediators must be committed to the exercise of their function so that they can overcome any obstacles to their work and any reluctance by the parties to enter into dialogue. Their functions and responsibilities must stem from the mandate given to

them. In this context, the refusal by one of the parties to engage in dialogue cannot constitute an impediment if mediation is to become an effective means of upholding the principle of the peaceful settlement of disputes.

In the specific case of the question of the Malvinas Islands, the Argentine Republic is confident of the potential success of the Secretary-General's efforts in performance of the mandate to be entrusted to him by the General Assembly, and designed to bring the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland closer together so that they can resume negotiations with a view to the peaceful and definitive settlement of the sovereignty dispute which is still unresolved.

What considerations are important for effective cooperation between different third-party actors involved in a mediation process?

The third parties must support the mediation and any agreements arrived at, refraining from interfering in the mediator's task unless their assistance is requested. Member States must support and comply with mediation and good offices called for by the Security Council and/or the General Assembly of the United Nations, since they constitute a mandate of the Organization.

What are the vital elements of a successful peace agreement?

A successful peace agreement is one which establishes a just and definitive settlement of the dispute in question.

How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

The mediation must ensure that what is agreed is implemented in good time, so that the settlement arrived at is not disrupted. For this purpose, recourse may be needed to the support and the human and material resources which an organization such as the United Nations is in a position to provide.

Australia

[Original: English]

As an overarching principle, a mediation process should be specifically tailored to the situation in question. There can be wide variation in the nature of conflicts — there has been a shift in recent decades towards internal conflicts as opposed to wars between States. Internal conflicts may focus on a number of factors, such as secession and autonomy or control of the State and resources. Some may be multiparty with many adversaries and only loose coalitions, often uncoordinated and deeply factionalized. Ethnic conflicts often arise from underlying socioeconomic disparities, geographic or regionalist sentiment, differential access to resources, perceived injustices or inequities, factional politics or poor governance. Conflicts are often evolving: a largely ethnic conflict can transform into one of criminality and corruption, with significant regional impacts. Any mediation process and ensuing peace agreement must therefore be context specific and tailored to the local situation.

Qualities of a good mediator

A good mediator possesses integrity and independence. He or she is fair, objective and patient and must hold the trust, respect and confidence of all parties to the dispute in order to reach an agreement that is in their best interests. As an honest broker, an effective mediator does not prejudge and is sensitive to the arguments of all sides. Adaptable and creative, a good mediator is able to explore, refine and modulate without appearing arrogant or resorting to pressure.

A good mediator is a good listener, exemplifies communication and negotiation skills, respects confidentiality and at the same time encourages information-sharing. Experienced in facilitation and coordination, a good mediator is a problem solver, recognizes opportunities, and knows how to consolidate gains, be inventive in overcoming roadblocks and maintain the momentum of the process.

An essential requirement is an in-depth understanding of the detailed nature of the conflict, its origins, the key players and their interests. It is critically important to understand the local context, the sociocultural situation in which the conflict occurs and the power relations it encompasses. This includes the decision-making processes and cultural mediation origins, group cohesion, intergroup relations, intergenerational issues, gender equality, as well as issues such as retribution and reconciliation. A mediator must comprehend the intricacies of the political and economic environment, the influential players (both formal and behind the scenes) as well as the factors which may be contributing to the conflict, such as demographic stress, criminalization, external linkages, and rural and urban divides.

Key attributes of an effective mediation process

A mediation process requires commitment and political will, backed up by access to the resources to move rapidly when any aspect of the dispute is ripe for resolution.

A mediation process should aim to provide conditions in which the people can decide on their future in a secure environment, free from intimidation or coercion. Mediation cannot impose a solution. Mediation should: assist the parties to evaluate how their interests would be affected by various options put forward to deal with particular issues; outline various possible arrangements which would allow the parties to make their own choice about their future; and ensure that when they have made that choice, they will be supported by the international community.

Mediation should not be artificially "time bound". Often, the solution is a process which must take "as long as it takes" in order for it to be genuinely sustainable.

A mediator must spend time and effort with the parties, working with all adversaries, to understand very clearly the history and background and to identify the key points of difference and possible convergence. Thorough and ongoing analysis of the conflict is essential to informing the work of the mediator, to assess the capacity of the parties to be able to reach a sustainable agreement and, in many cases, to be able to rebuild a viable governing apparatus.

The process requires regular engagement to bring about genuine dialogue and must provide for all parties to be heard, allowing stakeholders to have ownership of the process and to take responsibility for successes and failures. Women, along with

other marginalized groups, must be recognized and have a formal voice in decision-making. While peace settlements are usually made by elites, it is important to ensure that they reflect a wider range of perspectives and needs from the beginning. If certain groups (such as ethnic or religious minorities, women, youth and people with disabilities) are excluded from the initial settlement, it may be more difficult to address their needs and ensure their representation later on. Meetings should be held on neutral ground, with the parties given time to develop and articulate positions. The process must also work to build a constituency for peace among civil society and community groups.

Successful mediation will generally identify positions and options for transitional arrangements as well as the longer term, for example on power-sharing, constitution-building, and law and justice mechanisms. Options can vary greatly depending on the local context, changing the circumstances and the timing of any intervention. The process should include locally generated incentives to take positive steps in a peace process that can be embedded in a peace agreement and be able to provide inducements, such as aid and investment.

Mediators require support from a highly skilled professional team which can, for example, prepare background briefings, offer advice on legal matters and draft agreements. Development assistance is increasingly recognized as important to supporting mediation. It can support internal capacities for mediation and coalition-building and provide resources for basic infrastructure and services, delivering a "peace dividend" to help prevent a relapse into conflict. Such efforts can build confidence and revitalize State-citizen relations.

The Peace Process in Bougainville, Papua New Guinea

The peace process on Bougainville traversed various elements over more than a decade — truce, ceasefire, agreement to weapons disposal and, finally, a comprehensive political settlement that will eventually ask the question on independence. The Bougainville mediation process was multi-pronged, bringing together opportunities for the parties to negotiate and encompassing diplomatic dialogue, truce and peace monitoring, and development assistance. This process continued well beyond the signing of a peace agreement.

The Peace Monitoring Group, led by Australia and in collaboration with New Zealand, Fiji, Solomon Islands and Vanuatu, provided Bougainvilleans with an impartial body to which they could report ceasefire breaches. Australian aid helped with the restoration of basic infrastructure and essential services, and provided a development-oriented approach. Consistent engagement by the then-Minister for Foreign Affairs of Australia, and Australian High Commissioner to Papua New Guinea, impressed upon the parties the commitment of Australia to peace. The contribution of the United Nations to the agreement on weapons disposal generated confidence in the impartiality of the process and reminded all parties that the international community was monitoring the situation. Regular meetings of the parties helped to identify and advance creative political solutions.

The Bougainville peace process is ongoing, and is now entering a critical period, with the referendum on Bougainville's political status approaching. It is important that contributors, including the United Nations, maintain their efforts in support of the process during this phase.

Considerations important for cooperation between different third-party actors

The involvement of multiple third-party mediators can assist a peace process when their efforts are cooperative, well coordinated and complementary. It is important that relative roles are well understood and reflect different actors' comparative advantages. Third-party liaison offices, special envoys, "core" or "contact" groups can provide valuable underpinnings for a mediation process.

In addition, most conflicts draw in the interests of third parties. These can include other States, power brokers, military backers, and regional and non-governmental organizations. Mediators must be alert and responsive to those interests, ensuring efforts to develop a common understanding of the context and complexities of the conflict and a willingness to share information and resources.

As with the immediate parties to a conflict, step-by-step discussions, position building, consensus and compromise within and between third parties is generally needed to sort options and build common positions. Gaining support for the mediation process from all interested parties is key to a successful outcome.

Regional organizations can be vital in a mediation process. They can help to forge cooperation, including through their local knowledge and personal contacts and ability to draw on essential language and cultural skills. Regional security bodies can also play a key role in preventive diplomacy and mediation.

As recognized in the *World Development Report 2011*, peace settlements with third-party guarantees are often more stable than those without.

Regional approaches to mediation in the Asia-Pacific region

Against the background of the 2000 coup d'état in Fiji and tensions in Solomon Islands, the Pacific Islands Forum issued the Biketawa Declaration. The declaration outlines the steps required by the Forum and its member States to resolve future conflicts in the region and emphasizes the importance of third-party mediation.

The Association of Southeast Asian Nations (ASEAN) Regional Forum — a key forum for security dialogue in Asia — recently adopted a Preventive Diplomacy Workplan. The plan envisages that, over time, and with the consent of all parties directly involved, the ASEAN Regional Forum will explore and consider the potential for mediation, facilitated dialogue and reconciliation. Australia was directly involved, along with Singapore and Indonesia, in drafting the Preventive Diplomacy Workplan and continues to work closely with other members of the ASEAN Regional Forum to identify and undertake practical and results-based activities under the plan.

Vital elements of a successful peace agreement

A successful agreement requires the consent of all parties, and the expectations of the signatories need to be in alignment. It requires local ownership and control of the process as well as the practicalities of implementation, with the international community playing a supporting and facilitating role.

The agreement should not be too ambitious. However, agreements that resolve the major issues and grievances that led to tensions in the first place — either by addressing the root causes directly or by establishing new institutions or processes to deal with them over time — tend to be the most viable. The agreement must contain a genuine commitment by all parties (including mediators) to long-term political, social and economic development. Underlying causes of tension must be acknowledged. If the cause of the tensions are deep-seated, so too must be the solution. It will need time — often a generation — for the roots of a lasting peace process to take hold. Specifically, issues of gender inequality should be addressed as there is a growing body of empirical evidence to suggest that a higher level of gender inequality corresponds with higher risks of internal conflict.

A peace agreement should describe the accords reached with the parties or outline options for a transitional period including, as appropriate, the exercise of authority, involvement of external parties (such as the United Nations or regional groupings) and the delivery of services. It should provide a framework, including procedural steps that might be followed, to establish an environment free from fear, intimidation and violence, and provide for weapons control and custody, if necessary. It should address issues such as amnesty and reconciliation where relevant and include commitments and guarantees for the protection of human rights. It should also allow the situation to be kept under review. A communications strategy is desirable to enhance local understanding and commitment to the process.

An assessment of resources needed to carry out the tasks required, both during a transitional period and into the longer term, should underpin the agreement, accompanied by international commitments. Any intervention by peacekeeping forces, if included as part of the agreement, should assist in conflict management and amelioration, rather than be the prime mover to the process. But the timing of an intervention can be critical and calls for a clear assessment of the capabilities of the parties to ensure that the mandate, size and weight of any peace operation is appropriate.

Solomon Islands

Australia and New Zealand brokered a ceasefire in Solomon Islands following the outbreak of ethnically based tensions in 1999 and the coup in June 2000. Australia hosted peace negotiations in Townsville several months later. These produced the Townsville Peace Agreement, which provided a framework for ending hostilities and established an International Peace Monitoring Team and a Peace Monitoring Council. The International Peace Monitoring Team consisted of representatives from Australia, the Cook Islands, New Zealand, Tonga, Vanuatu and the Commonwealth Secretariat (from Botswana). Personnel of the Team were unarmed, comprising a mix of police, military and civilians, and had a mandate to build confidence in the peace process between the

parties and within the community, to collect and store weapons securely, and to report to and support the indigenous Peace Monitoring Council. The Team was unable to end the tensions, but, through its partnership with the Peace Monitoring Council, it set the foundations for the later, more comprehensive Regional Assistance Mission to Solomon Islands. The Peace Monitoring Council operated through a network of community-level peace monitors and worked closely with civil society groups to build grass-roots community support for a peace process. This strengthening of community networks was important for the subsequent success of the Mission.

The Regional Assistance Mission was deployed in July 2003 at the invitation of the Government of the Solomon Islands. With the cooperation of the latter, its civilian, police and military deployees from countries across the region facilitated a stable security environment in which parties can rebuild community confidence and agree on sustainable conflict-resolution mechanisms. For example, a Truth and Reconciliation Commission, appointed by the Government of the Solomon Islands and supported by Australia and others through the United Nations Development Programme, held 14 hearings over two years in which over 5,000 individuals, both victims and perpetrators, gave evidence. The Truth and Reconciliation Commission recently submitted its final report to the Government of the Solomon Islands.

Continuous mediation

Peace processes are rarely smooth. There usually will be bumps in the road and many a step backwards. Signatories do not always honour their undertakings. Peace agreements often favour the stronger party at the time of signature, with later breakdowns. Unrealistic promises or an inability to fulfil commitments can leave political and social tensions unresolved. Root causes of the conflict may not be adequately addressed, and many who had engaged in violence may not be brought to justice.

Peace processes require constant vigilance. The period between the signing of a peace agreement and the deployment of a peace operation, for example, is a crucial period in which ongoing mediation is required to maintain commitment by both sides to the agreements reached, to avoid misunderstandings and to resolve grievances as they arise. Other crucial periods can include military demobilization, elections or natural disasters. Continuous mediation offers long-term engagement and fosters a long-term perspective. An advantage of continuous mediation is that modest, incremental steps can be taken, and at a pace that is comfortable for the parties.

Ongoing mediation can also be decisive in building longer-term community trust and confidence, for example by supporting democratic institutions and ensuring that evolving power-sharing agreements include all relevant actors.

Cambodian peace process

Australia played a leading role in the lengthy Cambodian peace process (1980s-1990s). Following prolonged mediation and intense diplomacy with all parties, then-Minister for Foreign Affairs of Australia, the Hon. Gareth Evans, MP, proposed the plan that underpinned the 1991 Paris Peace Agreements.

Australia proposed the creation of the United Nations Advance Mission in Cambodia (UNAMIC), which performed a "good offices" function in advance of the deployment of the United Nations Transitional Authority in Cambodia (UNTAC). Australia played a central role in the Mixed Military Working Group which was mandated in the Paris Peace Agreements and established during UNAMIC to resolve problems arising in the observance of the ceasefire.

The Mixed Military Working Group provided a high-level meeting point among military representatives of the four Cambodian armies and the United Nations and a mechanism to ensure that the ceasefire on the ground was maintained through dialogue, cooperation and mutual accommodation. It created a neutral environment that facilitated disarmament and demobilization, and in turn enabled a secure environment for the holding of elections in 1993. The mandate of UNTAC went far beyond that of traditional peacekeeping, including institution-building and social reconstruction. Twenty years after the Paris Peace Agreements, the Cambodian peace process still serves as a strong model for long-term mediation.

Belarus

[Original: English]

We are of the view that the guidance for more effective mediation that was requested by the General Assembly in its resolution 65/283 could be structured along the following parts: (a) mediation's principles and objectives; (b) situations requiring mediation; (c) the role of the United Nations in mediation; (d) forging partnerships for mediation; and (e) resources for mediation.

What follows is a brief description of what each of the above parts might contain.

Principles and objectives of mediation

It makes sense to have a section that clearly spells out the principles and objectives that are pursued in various initiatives involving mediation. Even though these are widely known, for instance, a need for the agreement of all local parties on the involvement of a third party, the mediator's competence, impartiality, resourcefulness, and commitment to a fair deal, etc., it is necessary to articulate clearly all of them given that the document (guide for more effective mediation) should seek to encompass all other possible aspects of mediation.

Situations requiring mediation

This section, in our opinion, should build mainly on a vast international experience in conflict mediation acquired over past decades. Analysis of this experience would enable one to identify some relevant cases situations that required mediation which are common for all. Likewise, it would be interesting to see in this section indication of some peculiar cases of conflict mediation that do not conform to general patterns.

Role of the United Nations in mediation

The United Nations certainly has the largest experience in conflict mediation around the world, although the Organization does not enjoy a monopoly in this area. That is why it would seem expedient to provide initially in this section a concise history of the involvement of the United Nations in international mediation.

It would be prudent, then, in our view, to dwell on the current mediation capacities of the United Nations and describe in detail the functions of appropriate existing United Nations mediation entities — the Mediation Support Unit operating in the Department of Political Affairs of the Secretariat, and the institution of Special Envoys and Special Representatives of the Secretary-General and their support teams, as well as the roster of mediation and gender mainstreaming experts.

We deem it necessary to pay particular attention to how Special Representatives and Special Envoys of the Secretary-General and mediation experts are being recruited and how they discharge their mandates. In our view, there is a need to improve those practices so that the call of the Secretary-General to create a new generation of United Nations mediators can be realized (see report of the Secretary-General on enhancing mediation and its support activities (S/2009/189)).

In the opinion of Belarus, with the above in mind, it is necessary to put into detail how a recruitment process is organized, the way a United Nations mediator sets the agenda for the implementation of his or her mandate, how he or she divides labour within his or her expert team, how the mediation process is being structured in timely and functional phases (a kind of a road map stipulating the use of specific mediation tools, for instance, direct, indirect, shuttle, or proximity talks with relevant local parties, ways in which a mediator builds trust among local antagonists, etc.).

The above description should be followed by specific recommendations as to how those practices could be made more efficient. In our opinion, the recommendations should also contain proposed efforts to increase consultations on the issue of mediation with United Nations Member States and groups of States, as well as individual Member States. In this regard, we have to state our strong belief that the United Nations mediation should not be the prerogative of great powers only, as has historically tended to be the case. Belarus is convinced that small and medium-sized countries, especially those with good records on disarmament and non-proliferation, and on other global issues (for example, prevention of human trafficking and illicit drugs) can play a very important role in mediation and be even preferred by local parties to a conflict than representatives of great powers, who might seem to be partial.

Therefore, we would like to see in this section, inter alia, a recommendation on making greater use of mediation capacities from small and medium-sized countries for the purposes of United Nations-based mediation.

Forging partnerships for mediation

Belarus has long been advocating the idea of establishing specific global partnerships for tackling specific global problems. More than that, we have taken the lead in one such area, namely, human trafficking. At the 2005 World Summit, Belarus spoke in favour of a global partnership against slavery and human trafficking. Today, this partnership is being institutionalized by the means of the United Nations Global Plan of Action to Combat Trafficking in Persons which was adopted by the General Assembly in July 2010 and which, for the first time ever, brings together multiple stakeholders — States, international organizations, civil society and business — in a common effort to fight this challenge.

We believe that international mediation presents just such another area in which the concept of global partnerships could be applied with success. Indeed, there are at present many stakeholders involved in mediation — the United Nations, regional organizations, subregional organizations and individual States. Naturally, this raises the need, on the one hand, to avoid overlapping among all of them, and, on the other, to forge close and effective inter-agency cooperation and coordination. In this regard, we would suggest that the Secretary-General, through a report, float among Member States of the United Nations the idea of establishing under the auspices of the United Nations an inter-agency coordination unit which would organize meetings of all relevant stakeholders with the purpose of exchanging information and experience, as well as determining the division of work among them in specific cases. We also see the wisdom in discussing the possibility of working out a common code of conduct for stakeholders involved in international mediation.

Perhaps, some Member State or States, especially those with a large stake in mediating specific conflicts, would take the lead in bringing the above ideas to fruition, and thus help institutionalize the global partnership for mediation.

Belarus, on its part, has been active in advocating peaceful conflict resolution and mediation at the regional level. In particular, during the Chairmanship of Belarus of the Collective Security Treaty Organization in 2011, we have worked to strengthen cooperation in these areas between the Collective Security Treaty Organization and the United Nations. Our efforts have resulted in one specific initiative — a Joint Declaration between the Collective Security Treaty Organization secretariat and the Department of Peacekeeping Operations of the United Nations Secretariat.

Resources for mediation

It goes without saying that international mediation, including all of its component parts — recruitment, training and operations in the field — cannot work unless it is properly resourced. Moreover, if money is spent on mediation, that is on prevention, this only serves to reduce the potential, and much higher, costs for possible full-scale peacekeeping operations in the future, if a simmering conflict situation were allowed by the inaction of the international community to evolve into a violent denouement.

Belarus welcomes the establishment of start-up funds for mediation within the Secretariat's Mediation Support Unit. Moreover, we believe that the issue of funding for mediation should be discussed among relevant stakeholders with the view to finding the most efficient ways to avail international mediators of scarce funding. This is especially crucial at a time when all in the world face financial constraints caused by the global economic and financial crisis and its various ramifications.

Brazil

[Original: English]

1. What are the qualities of a good mediator?

The mediator is responsible for inducing the parties to find the political will necessary for a definitive solution, preventing difficulties from being a pretext to justify the lack of progress. Mediators should be independent, should command respect from all parties, have credibility and rapport with all sides and have the political stature needed to enjoy the support and the cooperation of the international community. The following qualities are particularly valuable.

Neutrality and impartiality

Mediators have to display and safeguard their independence. Adopting a neutral and impartial stance helps mediators to establish trust, credibility and respect from the parties. Standards of conduct that help a mediator earn and maintain trust include consistency, predictability, accurate and open communication with a balance between transparency and confidentiality, the maintenance of equal levels of proximity with all parties, empathy with the parties and commitment.

Capacity to recognize cultural differences

Different cultures communicate and negotiate differently. Cultural patterns are not homogeneous across any grouping, such as nation or ethnicity, and require the ability to change and adapt. Culturally distinctive styles and expectations regarding expressions and interpretations are particularly relevant to a mediation process. Cross-cultural skills and awareness will make communication more effective and help the mediator avoid unintentional damage.

The mediation process should be entrusted to an international personality with recognized authority and the ability to maintain a dialogue with both sides. Moreover, the mediator should have good rapport with the main extraregional actors.

Expertise and knowledge

A mediator's most powerful resources include being sensitive to cultural aspects and being knowledgeable about the mediation process, the subject matter of the dispute and the law related to it. Mediators who have knowledge of the subject matter of the dispute will most likely be able to speed up the process, will achieve a greater level of credibility and, possibly, will bring objective information from their own experiences to the sessions.

2. What are the key attributes of an effective mediation process, including during the design and implementation stages?

An effective mediation process must have the following attributes:

Understanding of the conflict and of the actors

The first step in any mediation effort should be to assess the conflict in all its complexity — its object, its history, causes and interests. It should identify the conflicting parties and all other relevant players. The analysis should provide a contextualized understanding of the conflict and answer questions of strategy: at what level to engage; how to gain leverage; and on whom to focus efforts. The mediator must identify the groups directly involved in the conflict, including how they define themselves and whether they possess political as well as military support.

Careful choice of mediator and clarity of the mandate

It is imperative to select a mediator who is regarded by all parties as appropriate to the particular case, given the stakeholders, issues and organizations involved. In order to generate appropriate strategies, mediation initiatives need clear mandates. Strategies that exceed mandates are unlikely to find political support.

Ensuring that the conflict is ripe for mediation

In order to ensure and enhance mediation process, it is relevant to determine whether the parties believe they have reached a mutually detrimental stalemate, to confirm that the parties can deliver on agreements, to assess internal political and public support for peace, to cultivate leaders who can assume responsibility for negotiations and to create balance between the parties.

Skilful conduct of the mediation process

Once the mediator is ready to begin the negotiation process, he or she needs to lay the groundwork, creating roles for all relevant actors, handling logistics, conducting negotiations, fitting the public into the process and dealing with the media. The main elements in a skilful conduct of the mediation process are: (a) the use of consultations and prenegotiations to lay the groundwork and define the scope of the controversy; (b) the collection of inputs and confidence-building; (c) the establishment of clear ground rules; (d) the choice of partners who have sufficient control over drivers of the conflict and relevant constituencies and engage both top-level and mid-level leaders; (e) the inclusion of marginalized groups in the negotiations; (f) the provision of a neutral, safe, effective and well-resourced working environment; (g) the effective management of information and the keeping of good records of the negotiations; (h) the development and execution of strategies for advancing the negotiations; and (i) the inclusiveness of and attentiveness to all parties' grievances and expectations.

Creativity, flexibility and malleability are also crucial elements in an effective mediation process. The case of mediation conducted by the guarantor countries of the Protocol of Rio de Janeiro (1942) (Argentina, Brazil, Chile and the United States of America, under the coordination of Brazil), of a dispute that involved Peru and Ecuador over a territory bordering the two countries (Ecuador-Peru Peace Process:

1995-1998), provides an interesting illustration. Joint planning and concerted execution ensured a harmonious approach that enabled the mediators to act with impartiality and credibility in their double mission as arbiters of impasses and persuaders to settlement. The "park solution", in which the disputed territory would acquire the status of an ecological reserve, becoming demilitarized and being administrated in a coordinated fashion, was a creative and pragmatic solution to a historical dispute that dated from the early nineteenth century.

3. What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

In order to improve cooperation between different third-party actors, the United Nations should play a central role in the exchange of information and coordination of decisions and articulation among third-party actors involved in a mediation process.

An enhanced interaction among the United Nations and regional and subregional organizations is key to the creation of positive synergies among the participants of a mediation process; it may also maximize the added value local institutions can bring regarding the specificities of a given region or actors.

4. What are the vital elements of a successful peace agreement?

The agreement must be acceptable not only to the parties to the conflict, but also to the wider public, and must stand a good chance of being implemented successfully. Therefore, it is essential to make the local population and stakeholders the main guarantors of the agreement. The implementation phase of the Ecuador-Peru Peace Process (1995-1998) is an example of such strategy. The peace mission sent to the region to supervise the separation of the forces, the Ecuador-Peru Military Observers Mission, went beyond the classic initiatives of fostering mutual trust to induce the parties to progressively assume responsibilities for preserving peace and security in the region under conflict.

Peace settlements should include local community members — among whom should be local female leaders — as planners, agents, managers and monitors of implementation. Tapping into local knowledge, networks and leadership increases the resources available for implementation, builds social capital and solidifies ownership, thereby increasing society's stake in the implementation.

Moreover, a successful peace agreement should not marginalize political groups relevant to a given issue. An inclusive approach that favours negotiation and mutual respect is of the essence.

5. How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

Continuous mediation efforts can contribute, in a cost-effective way, to keep the dialogue channels permanently open, hence avoiding the escalation of rhetoric that may lead to an increase in tension. Continuous mediation efforts may provide the parties with multiple, creative and flexible possibilities for resolving disputes and adjusting the terms of the agreement, thus maintaining the path of understanding and avoiding a relapse into the conflict. Continuous mediation efforts

articulate a dynamic of trust and good faith that help the parties find their own solutions and mechanisms of implementation.

Bulgaria

[Original: English]

1. What are the qualities of a good mediator?

Mediator style depends on the numerous factors and variables of the particular conflict, such as the disputants' reputation or the nature of the dispute (duration, intensity and issues). In this context a good mediator should take into consideration every conflict-specific factor. Functioning as an intermediary, the mediator may help parties help themselves through tactful, accurate and straightforward prodding and suggestions for altering their negative perceptions. The mediator should clarify and provide information while thinking at the same time in an innovative manner when searching for a formula for achieving an agreement. In addition, mediators must use the qualities of creativeness and invention as well as tact and empathy to help the mediation process.

2. What are the key attributes of an effective mediation process, including during the design and implementation stages?

Some conflicts are tractable and manageable; others are complex and hard to terminate. Hence, the design stages of an effective mediation process require a clear understanding as to the situation on the ground and the expectations, fears and the likely resolve of each party. Mediation is a form of early action; therefore, mediators should put emphasis on taking early action in order to mitigate the risks of an outbreak and recurrence of conflicts, for example through effective utilization of conflict risk analysis. There is a scope for the mediators to strengthen their capacity to design viable, operational, coherent and realistic options for preventive action or for ensuring the success of the implementation phase.

3. What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

The principle of complementarity between relevant actors was confirmed in agreements between the European Union and the United Nations. The development of the European Security and Defense Policy missions and operations will further improve joint European Union-United Nations cooperation in the pursuit of sustainable peace and durable conflict settlement. The European Union and the United Nations often work together on preventing the resurgence of conflicts in the context of peacekeeping operations. The two organizations have often achieved a division of labour in preserving their respective spheres of competence.

Every regional organization, according to its role, mission and capacities, has a specific role to play. The establishment of a more effective partnership should be based on the comparative advantage of each organization.

4. What are the vital elements of a successful peace agreement?

A successful peace agreement should provide a political framework for the pursuit of political goals by the parties concerned in a peaceful manner without violence and/or the use of force. Sometimes the political changes specified by an agreement are sufficient to end a dispute and lead to long-term peace. At other times the processes established by the agreement fail to create sufficiently meaningful change, and the conflict is likely to resume. For all practical purposes, such an agreement should also provide a reasonable timetable for implementatio. and assessment of results, and should remain open for the involvement (or re-engagement) of a mediator in the implementation stage.

5. How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

Mediators in tough disputes need to look for continuity of their efforts in order to ensure that the settlement they help to facilitate is likely to last. Mediators may get involved in implementation procedures, e.g., monitoring violations of settlements, committing resources to ensure compliance, engaging in confidence-building measures, etc., by increasing in this way the cost of non-compliance with a settlement. These efforts may be a tall order for mediators, but the rewards of a longer lasting peace settlement may well be worth it. Moreover, such mediation efforts are likely to produce positive steps by the parties towards reaching a reconciliation stage by stimulating their sense of ownership over the implementation process and responsibility for bringing it to a successful closing stage.

Burkina Faso

[Original: French]

Pursuant to paragraph 11 of General Assembly resolution 65/283, Burkina Faso wishes to share its views on the guidance for more effective mediation, based on its experience in mediating conflicts in certain African countries.

1. Qualities of a good mediator

Successful mediation depends in part on the personal qualities and competencies of the mediator, who coordinates the process, and whose success depends on recognition of his or her moral authority and the trust of the parties. Mediators' credibility derives from the positive influence that they may have on the parties as well as on the process as a whole.

Mediators must remain objective, independent and impartial, and must have sound knowledge of the issues involved in the conflict, particularly those related to the interests of the main actors in the crisis, as well as the sociological and economic realities of the country and region involved.

2. Key attributes of an effective mediation process, including during the design and implementation stages

Mediation requires ongoing trust and coordination between the mediator, the parties to the conflict, local actors and all third parties, which would foster

ownership of the negotiation process by the protagonists as well as a return to harmony, reconciliation and peace.

From its modest experience with mediation, Burkina Faso has learned the fundamental value of ownership of the crisis recovery process by the main parties involved, and building of trust between them.

Designing a mediation strategy is key to the success of the mediation process. Although each crisis has its own specific characteristics, the following aspects are generally essential for effective mediation:

- **For the mediation team**
  - assignment of roles based on profiles and competencies;
  - knowledge of the context of the crisis, including all the issues at stake;
  - analysis of the psychology and the claims of the actors.
- **For regional and international actors**
  - clear definition of the roles and mandates of the different actors;
  - affirmation of the mediator's role as coordinator of the process;
  - harmonization of the positions of the regional and international actors in order to uphold the integrity of the process.
- **For the parties to the conflict**

Mediation, however proactive it may be, cannot succeed without the full participation of the protagonists. Therefore, the mediator must:

- initiate the mediation process through direct and/or indirect talks with the parties from the outset, in order to avoid a stalemate in the conflict;
- ensure that the mediation process is as inclusive as possible and open to all stakeholders;
- encourage the parties to reach an agreement that sets out their respective commitments and responsibilities in the process, as well as an implementation timeline;
- establish follow-up and consultation mechanisms, in cooperation with the parties.

3. Important considerations for effective cooperation between different third-party actors involved in a mediation process

It is important to harmonize and coordinate the many and diverse mediation initiatives that may be undertaken in a given conflict. The main organizations and actors involved must endeavour to establish common or coordinated mechanisms that could ensure synergy of action and avoid a counterproductive diffusion of energies.

Burkina Faso's role in facilitating the inter-Ivorian direct dialogue reflected this vision. The close collaboration between the Special Representative of the Secretary-General and the Facilitator allowed them to work effectively, leading to

the signing and implementation of the Ouagadougou Political Agreement, despite some post-election violence.

In addition, Burkina Faso welcomes the fact that the United Nations and the African Union worked effectively, using the joint mediation strategy, in resolving certain conflicts. Cooperation between the United Nations and regional and subregional organizations should be strengthened in order to contribute effectively to the resolution of crises through close mediation, since those organizations are closer to realities on the ground and are the primary beneficiaries of any peace agreement. Moreover, this is the spirit of Security Council resolutions 1809 (2008) and 1625 (2005) regarding cooperation between the United Nations and regional organizations and enhanced effectiveness of the role of the Security Council in conflict prevention, particularly in Africa. The comprehensive implementation of the relevant provisions of these resolutions would stimulate regional and subregional mediation efforts. Nonetheless, the responsibility of the international community must not be overlooked. Bilateral or multilateral partners should be proactively involved in any mediation process, reaffirming the mediator's leadership role and providing timely and appropriate support every step of the way.

4 and 5. Vital elements of a successful peace agreement and the importance of continuous mediation

The success of any mediation process depends on the resolute commitment of the parties to the conflict to diligently implement duly signed agreements. The viability of a peace agreement is also determined by how it addresses the concerns of the protagonists. Moreover, the final document must reassure each party and address the fundamental issues that led to the crisis, while remaining faithful to the principles of fairness.

It is also crucial that any peace agreement provide for appropriate follow-up mechanisms that would allow the parties to gradually overcome the many obstacles which may undermine the peace process. The full participation of the protagonists in a mediation process and implementation of follow-up mechanisms would keep the mediator fully involved, assisting the parties not only as a guide, but also as a go-between and a neutral representative of the international community. In addition to serving as monitoring and coordination tools, follow-up mechanisms are legitimate frameworks for strengthening dialogue and trust among the actors.

With regard to the inter-Ivorian dialogue, the Ouagadougou Political Agreement and its four supplementary agreements provided for follow-up mechanisms, namely the Evaluation and Monitoring Committee and the Permanent Consultative Framework, which were all under the responsibility of the facilitator and allowed other stakeholders in the conflict and representatives of the international community to participate in the dialogue.

Monitoring and guidance by the mediator and other stakeholders are important during and after the conclusion of a peace agreement in order to complete the crisis recovery process.

Having learned from its experience in resolving the Ivorian and Guinean crises, Burkina Faso believes that the positive outcomes obtained with the implementation of the Ouagadougou Political Agreement and the Memorandum of Understanding for a Peaceful Election in Guinea were largely attributable to the

resolute commitment of the signatories to these agreements, to the steadfast support of the Security Council and the Secretary-General, and the readiness of countries and institutions that supported the Facilitator's efforts.

Conclusions

In order to maintain and strengthen international peace and security, it is indispensable that preventative measures, including mediation, receive the necessary political support and resources.

Burkina Faso reaffirms its support of General Assembly resolution 65/283, adopted in July 2011, which represents a continuation of the initiatives and actions it had undertaken at the Security Council in support of mediation as a preferred vehicle for prevention and peaceful dispute settlement. The report of the Secretary-General on enhancing mediation and its support activities (S/2009/189), submitted following a high-level Security Council debate on mediation, organized by Burkina Faso in September 2008 during its presidency of the Security Council, contains relevant and useful recommendations on the value of mediation.

Burkina Faso stands ready to contribute to joint efforts to prevent and settle disputes. It believes that efforts being made within the United Nations and among Member States in particular will help to give due importance to prevention and peaceful dispute settlement activities, particularly those regarding mediation.

Cuba

[Original: Spanish]

Cuba is firmly committed to the principle of the peaceful settlement of disputes and conflict prevention.

Our country views with concern the increasing tendency of the United Nations Security Council to invoke Chapter VII of the Charter of the United Nations excessively and hastily instead of applying fully the provisions of Chapter VI for the pacific settlement of disputes. The provisions of Articles 41 and 42 are too quickly resorted to before other options, including those set out in Chapter VI, have been exhausted.

Mediation is one of several means for peaceful settlement of disputes mentioned in Chapter VI of the Charter. Mediation can be and has proved to be effective in certain situations. However, there can be no preconceived formulas: each situation must be addressed according to its specific characteristics. Therefore, mediation cannot be automatically considered the most appropriate solution for all situations.

Neutrality, equality, impartiality and the full consent of the parties involved are essential for effective mediation.

Mediation must be carried out in full compliance with international law and the Charter of the United Nations, including the principles of sovereignty, territorial integrity and non-interference in internal affairs.

An effective mediation process must have the consent of all parties involved in the conflict. The mediator must be impartial and act in strict compliance with the principles of international law and with full respect for national sovereignty.

No mechanism for the peaceful settlement of disputes, including mediation, can be effective as long as some States continue to use or threaten to use force against the territorial integrity and political independence of others.

The experience and precedent already set by recent cases, which have evidenced the manipulation of the Charter of the United Nations, a double standard and the flagrant violation of international law, prove that in the absence of good faith, impartiality and respect for the independence, sovereignty and territorial integrity of a nation, it is impossible to launch an objective mediation process whose outcome would be in the interest of the people.

Cyprus

[Original: English]

1. What are the qualities of a good mediator?

A good mediator must be an honest broker, must be impartial and have integrity. The mediator needs to have a professional and objective judgement, follow a realistic and direct approach, and keep all stakeholders fully informed about the mediation process. It is of primary importance that the mediator devote the time and energy required to fully comprehend the conflict, taking a global approach that encompasses a historical perspective, a thorough understanding of the roots and underlying causes of conflict and a deep appreciation of the sensitivities of all sides. The mediator needs to strictly adhere to his mandate and function under the provisions of the Charter of the United Nations and within the letter and the spirit of the Organization's resolutions. A good mediator needs to be neutral and independent, and must have consensus-building skills in order to reach an agreement and the capacity to bridge differences between parties to a conflict. In order to gain the full trust of all sides — vital to the success of the process — the mediator's one and only goal must be the resolution of the given conflict, without any ulterior motives or hidden agenda. Finally, the mediator must be fully committed and ready and able to devote whatever time is necessary to the completion of the process.

2. What are the key attributes of an effective mediation process including during the design and implementation stages?

One of the main attributes of a successful mediation process is the substantial involvement of all stakeholders. In this respect, the mediator must contribute to building broad support for the process and for the stakeholders to share common goals. The mediator should respond swiftly to developments and be able to propose viable solutions that are acceptable to all sides. The mediator should draw upon the relevant expertise and capabilities of the United Nations system. During the design of a mediation process, a provision must be included for key transition issues, and the principles of human rights and justice. The design of new mediation processes and the improvement of the effectiveness and efficiency of existing ones can benefit substantially from current trends and developments, including scientific research, in the field. Other important parameters include efficiency in terms of the cost and benefits of a mediation process, coherence and sustainability. Finally, maintaining the confidentiality of the process at all times is vital to its successful conclusion.

3. What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

The selection of any third-party actors in a mediation process must take place in consultation with and with the consent of the parties in conflict, so that any such third parties enjoy the trust and support of the conflicting parties at all times. The input and involvement of third-party actors must always take place within the agreed framework of the process, and the affected parties must be kept informed at all stages. Finally, it is important that an effective system and means of communication among all actors is established early in the process.

4. What are the vital elements of a successful peace agreement?

Any successful peace agreement first of all needs to be fully in line with United Nations resolutions and human rights principles and to take into account transitional justice matters. The agreement needs to address the underlying causes of conflict and take into account the need for a balanced determination of mutual benefits of the agreement for all parties. In addition, there must be an acceptable level of allocation of resources. Any potential dangers of relapse into conflict, such as actors who might be ill-disposed to the agreement, must be identified early on and provisions made for their elimination. Provisions should also be made for the effective participation of women at all levels of the peace process. Security sector reform must be a part of the agreement, where applicable, following the successful demilitarization and disarmament of any illegal armed groups and their potential evolution into political actors. Last but not least, coordinated support from the international community and sustained monitoring of the peace agreement are essential elements in its successful implementation.

5. How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

The support and duration of mediation efforts towards the effective implementation of a peace agreement can be facilitated through the establishment of a special United Nations mission, with the specific mandate of monitoring and ensuring the implementation of the peace agreement. Monitoring the implementation of a peace agreement can be an important leverage to ensure the transition of a mediation effort towards a sustainable peace process. Additional factors for the implementation of the agreement can be the strengthening of synergies between the United Nations and regional organizations, as well as the involvement of non-governmental organizations. The involvement of the international community and its practical support for the mediation efforts is the key to successful implementation of the peace agreement.

Finland

[Original: English]

What are the qualities of a good mediator?

The skills and communication style of the mediator can affect the outcome of the peace negotiation process. Impartiality, independence, extensive experience, excellent mediation skills and techniques are the types of qualities expected from a

good mediator. For a mediator, it is useful to have broad expertise (e.g. in legal, constitutional, human rights, equality and refugee questions).

A good mediator has excellent knowledge about the conflict in question. She or he is familiar with historical, cultural, ethnic and religious setting in which the dispute is taking place. She or he needs to have good knowledge about the conflicting parties' backgrounds and motivations and to understand the root causes of the dispute. She or he also recognizes the relevant regional and local actors and is able to utilize their special know-how and local expertise.

A good mediator is confident and determined and stays calm under pressure. She or he is creative and capable of thinking "outside the box". She or he also has the ability to articulate solutions to problems and manages to get the parties to understand that peace has social, economic and ecological benefits for all.

A good mediator is dedicated to the cause of finding a solution. She or he is resourceful in helping the parties see different alternatives, building trust between the parties and holding them together when the negotiations threaten to fall apart. A good mediator listens attentively to the parties' concerns and worries and helps them to communicate clearly to one another. She or he does not emphasize her or his own role in the process. Good mediators are the ones that learn, adapt and change their communication style in line with the needs and concerns of the parties. A good mediator needs to have a clear understanding of the task ahead from the beginning and to be flexible when necessary. She or he must also know when to tell a party that its statement or claim will not be conducive to finding common agreement. From time to time the mediator should meet bilaterally with each party in order to find out how to move forward.

A good mediator has a broad network of support to the mediation effort and sometimes acts as a figurehead. Mediation is teamwork which includes different experts and academics, as well as political and economic supporters. Members of the mediation team are chosen on the basis of their character, intelligence, knowledge, experience, impartiality and oratory skills. It is important that the team consist of both female and male experts. In addition to a good team, a mediator cannot achieve good results without sufficient resources and support from key actors.

What are the key attributes of an effective mediation process, including during the design and implementation stages?

A successful mediation process requires conflict analysis and background knowledge of the dynamics of the conflict in question. The issues on the agenda of the mediator should be aligned with the priority issues in the conflict. In addition, sufficient resources and sustainable funding are needed for successful mediation. The commitment of the parties is the most vital element. If the parties are not committed, even the most detailed provisions are of no help.

Mediators must work to build trust and foster cooperation with the conflicting parties. (It is important that the parties have confidence in both the mediator and the mediation process.) Mediators must also establish working relationships with the conflicting parties, secure the parties' commitment to working together and help them identify the interests at stake in the conflict and their respective objectives. The biggest misconception of negotiation processes is the presupposition that

negotiation is simply a sequence of compromises rather than a zero sum process. Most often the parties know exactly what they want; they have a clearly identified outcome in mind, and once their position is clear, they are ready for a series of tough negotiations with the aim of winning and will try to get as much as possible for themselves.

Inclusiveness is a very important element of a successful peace process. A starting point must be that all relevant actors are around the negotiating table in order to ensure the legitimacy, sustainability and effectiveness of the process. Also, here, a mediator can be very helpful in order to bring all relevant actors to the table, in particular those who have been excluded from decision-making before, such as minorities who suffer discrimination and, in many situations, women. Also, those who did not take up arms must have their voice heard in the process. The involvement of civil society and regional actors in the mediation process is to be stressed.

Particular attention must be given to the role of women in mediation processes, as the number of female mediators and the number of women participating in formal peace negotiations continues to be extremely low. Track II conflict-resolution mechanisms have provided women with more entry points for engagement. However, Track II should not be a substitute for women's full and active participation in the formal negotiations. The mediator must ensure that Security Council resolution 1325 (2000) is effectively implemented in the mediation process.

In some peace negotiations mediators have used the principle that "nothing has been agreed before everything has been agreed". In this case, no party can claim to have cleaned the table while the negotiations are still ongoing. All deals that are made are included in the final peace agreement. This principle could assure that all parties have the space needed during the negotiations.

It is useful that the parties start to develop a plan prior to negotiations and that important issues and goals have been communicated. This requires that the parties understand each other's interests, positions and motivations in advance. The parties also need to understand the objectives of the mediator. The objectives of the mediator need to be clear, and they should be clearly articulated to the parties. This also includes the setting of realistic deadlines for the process.

An effective peace negotiation process is one that ensures the legitimacy and addresses the major underlying causes of the conflict. It is important to identify issues and procedures that need to be agreed prior to negotiation. The design of the process must be simple, familiar to the conflicting parties, transparent and accessible to all stakeholders. The process must also be sensitive to prevailing social norms. The mediation process also includes effective follow-up mechanisms. The possible impact of the peace agreement needs to be analysed during the mediation process. A successful mediation process takes into account ecological issues and the principles of sustainable development.

The mediation of traditional and religious leaders is a useful mechanism in peace processes, because those leaders have extensive knowledge of their communities' historical grievances. They often understand the possible solutions to these grievances better than any outsider, and they have access to key decision makers of the conflicting parties and their communities. Traditional and religious leaders can also legitimize the process, help sell a difficult compromise to reluctant

communities and champion reconciliation. Usually, traditional and religious mediation requires a third party to facilitate discussions between the parties. It is important to ensure the respect for human rights, including women's rights, in such processes.

What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

Effective multilateralism is an issue considered in the crisis management field that should also apply to mediation efforts. Coordination among international and regional actors is of utmost importance. The establishment of clear lines of communication makes it easier to keep the different actors fully informed of the process. The goals of the different stakeholders must be totally clear and completely understood and accepted by each actor.

There should be complete clarity in who is responsible for what and how to avoid overlapping authority. A significant step forward would be to nominate a lead mediator for each crisis situation. The mediator should be given the authority and power to coordinate different actions if several third-party actors are involved in the mediation process.

It is important to take into account the insights of different stakeholders, to make use of already developed relationships and to build trust between and credibility among the different stakeholders. It is recommended that spoilers common to most conflict situations are identified and isolated. Where a coalition of third-party mediators are involved, it is important that they share similar goals and the commitment to work together. That is why information-sharing between different actors is so important. The roles between the actors must be clearly attributed. There is also a need to sequence, to coordinate, to communicate, to collaborate and to integrate initiatives and to maintain coherence between the different stakeholders.

A key to effective cooperation is building trust (a vital element for settling disputes) and better communication between the parties (between and among mediators and conflicting parties), which enables better supervision and a decrease of uncertainty between the parties.

What are the vital and central elements of a successful peace agreement?

A good peace agreement is well planned and should be fully implemented. It can be considered successful if all relevant issues and the root causes of the conflict have been addressed. A successful agreement defines and articulates clearly the conditions of peace and the obligations and the rights of the parties. It is also crucial that mechanisms and guarantees for the implementation of the agreement are assured.

In addition, it is necessary that the peace agreement is perceived to be just. To assure the sustainability of a peace agreement, the agreement has to have the broadest support possible (of the conflicting parties, of the affected populations, of the international community, etc.). The benefits of a successful peace agreement reach broad segments of the society. Special attention needs to be given to the young, to women, to minorities and to indigenous peoples.

It is crucial to attach particular attention to the role of women in peace processes, in accordance with Security Council resolution 1325 (2000) on women and peace and security. Women have a central role in achieving sustainable peace. Both women and gender expertise have to be included in the mediator's team and in the delegations of the parties. It is important that the peace agreement addresses the issue of gender equality, including women's engagement in political decision-making, access to economic opportunities and justice as well as gender-based discrimination and sexual violence, including accountability and reparation for such violence. It is important to consider these issues from the beginning of peace processes.

A central element of a successful peace agreement is the active involvement of all key actors, including civil society, religious communities, clan/tribal elders and the larger community, including in the planning and implementation of the agreement. A community-centred peace agreement is easier to implement because the affected communities are given responsibility.

The participation of key actors will increase capacity at the local level and may have faster positive impacts as well as increase the sustainability of the agreement. The criteria for civic involvement should be comprehensive and inclusive. Inclusive civic participation in mediation legitimizes the measures taken to end disputes, helps build trust, improves the chances of reaching settlements and awards the parties' collective ownership of the process.

It is very important that peace agreements uphold the principle of accountability and that there is no impunity for the most serious international crimes. International law is very clear in this respect. Questions of timing and the best approach, however, may need to be considered on a case-by-case basis. It is also very important to recall that rape and other forms of sexual violence in conflict can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide. Without the sentiment that justice has been reached, the foundations of peace are not sustainable. In the long run, there is no peace without justice.

It is important that agreement is formulated as clearly as possible. However, disputes regarding the interpretation of the various provisions in an agreement are often likely to arise during the implementation process. For this reason, it is important that the agreement includes provisions for how such disagreements shall be settled. Possibly the mediator could be called upon again, but a dispute settlement mechanism should be able to function even if the mediator is not able to take part in it.

How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

The implementation stage is crucial for the success of the settlement. It should not be left to the parties alone. Continuous mediation efforts are advantageous because international attention and pressure motivate the parties to stay committed to the peace agreement. In addition, continuous mediation efforts assure that the implementation of the peace agreement is monitored and reported on by impartial actors. An authoritative mechanism should be set up to monitor the implementation. The mediator should have a role in this, but the monitoring mechanism may require a bigger and more complex structure than the mediation process.

Continuous mediation efforts guarantee that trust between the parties is continuously rebuilt through sharing trustworthy information. It is impossible to deliver peace from the outside. This is why the role of the United Nations and regional organizations must be improved, especially in issues such as stabilization and promotion of good governance and democracy.

France

[Original: French]

Resolution 65/283 states, in its preamble, that "justice is a fundamental building block of sustainable peace", and, in its operative part, that responsible and credible mediation requires "compliance with obligations of States".

In the present contribution, France wishes to focus on consideration of the requirement of justice when dealing with war crimes, crimes against humanity or genocide, which is but one of the fundamental aspects of any mediation process. Consequently, this contribution is not meant to be exhaustive, as other fundamental aspects, including the need to appoint more women as mediators, in the spirit of resolution 1325 (2000), are not addressed here.

The elements set forth below apply to the first four questions posed by the Secretariat:

1. What are the qualities of a good mediator?
2. What are the key attributes of an effective mediation process?
3. What considerations are important for the effective cooperation between third-party actors?
4. What are the vital elements of a successful peace agreement?

France's position on these questions is described in particular in the statement delivered by the European Union on 22 June 2011 during the General Assembly debate on mediation: "As indicated [in resolution 65/283], existing guidelines in the field of rule of law and accountability should be fully taken into account and implemented. We applaud in particular the strong directives given by the successive Secretaries-General in their reports on mediation (S/2004/616 and S/2009/189), whereby the granting of amnesties and other forms of immunities for war crimes, crimes against humanity and genocide were excluded from any agreements sponsored by the United Nations, and in which it was underlined that when international justice is at work, it shall be left to follow its course. We also call for strict implementation of the guidelines restricting contacts of mediators and other United Nations personnel with persons who are the objects of arrest warrants."[1]

Special attention must be paid to ensuring that, at all stages of their work, mediators comply with and implement the guidelines on international criminal justice already formulated by the Secretary-General, with regard to three points:

1. Exclusion of any form of amnesty or immunity for the most serious crimes in United Nations-sponsored agreements: "United Nations-endorsed peace agreements can never promise amnesties for genocide, war crimes, crimes against

[1] Available from http://www.europa-eu-un.org/articles/en/article_11190_en.htm.

humanity or gross violations of human rights" (report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616, para. 10) and report of the Secretary-General on enhancing mediation and its support activities (S/2009/189, para. 36)). When they advise other actors, mediators should also influence the content of agreements by ensuring that amnesty or immunity clauses for serious crimes are excluded.

2. Knowledge of and compliance with judicial procedures before the International Criminal Court: "Now that the International Criminal Court has been established, mediators should make the international legal position clear to the parties. They should understand that, if the jurisdiction of the International Criminal Court is established in a particular situation, then, as an independent judicial body, the Court will proceed to deal with it in accordance with the relevant provisions of the Rome Statute and the process of justice will take its course" (S/2009/189, para. 37).

This principle deserves to be disseminated more within the Organization and among all mediators, who must incorporate it into their strategies.

Mediators should also be encouraged to familiarize themselves with the applicable law, and, where applicable, with current procedures before the International Criminal Court concerning countries or regions in which they intervene (discovery, investigation and prosecution phases). It would be useful for mediators and their teams to have a toolkit describing the different phases of the judicial process before the International Criminal Court.

Each phase before the International Criminal Court presents opportunities (prevention of violence, promotion of national judicial procedures, identification of the main perpetrators of the most serious crimes, distinction between those who order and organize crimes and those who merely execute, who may be encouraged to defect or demobilize, in cooperation with the Court itself, where applicable).[2] Mediators must be fully informed thereof.

Each phase also imposes restrictions to which mediators must be prepared to adapt (see below: consequences of the issuance of an arrest warrant). Mediators must always state clearly that, if the jurisdiction of the International Criminal Court is established, the process laid down in the Rome Statute and, in certain cases, in binding resolutions of the Security Council, must take its course and the independence of the Court must be preserved.

If the States concerned have legal obligations to cooperate, mediators must also be informed thereof and must encourage adherence to these obligations, as pointed out in resolution 65/283.

3. Exclusion of any contact with any person who is the subject of an arrest warrant, unless such contact is essential for fulfilment of the mission: "Contacts between United Nations representatives and persons indicted by international criminal jurisdictions holding positions of authority in their respective countries should be limited to what is strictly required for carrying out United Nations-mandated activities. The presence of United Nations representatives in any

[2] In the case of Uganda (Lord's Resistance Army) and in the Democratic Republic of the Congo (Congrès national pour la défense du peuple, Forces démocratiques de libération du Rwanda), calls for the defection of persons not sought by the International Criminal Court were made over the airwaves in cooperation with the Office of the Prosecutor of the International Criminal Court.

ceremonial or similar occasion with such individuals should be avoided. When contacts are absolutely necessary, an attempt should be made to interact with non-indicted individuals of the same group or party" (legal opinions of the Office of Legal Affairs of the United Nations, *International Organizations Law Review*, 25 September 2006, p. 397).

The Office of the Prosecutor of the International Criminal Court has, in the context of the Prosecutorial Strategy 2009-2012,[3] issued guidelines that also highlight the need to prevent the diversion of funds meant for mediation towards helping persons sought to replenish their resources and to rearm:

> "In accordance with its mandate to galvanize arrest efforts, the Office issued relevant guidelines for the consideration of States:
>
> (a) Eliminate non-essential contacts with individuals subject to an arrest warrant issued by the Court. When contacts are necessary, attempt first to interact with individuals not subject to an arrest warrant;
>
> (b) In bilateral and multilateral meetings, proactively express support for the enforcement of the Court's decisions, request cooperation with the Court, and demand that crimes, if ongoing, cease immediately;
>
> (c) Contribute to the marginalization of fugitives and take steps to prevent that aid and funds meant for humanitarian purposes or peace talks are diverted for the benefit of persons subject to an arrest warrant [...]" (para. 48).

These guidelines are relevant for mediators, who must avoid giving the signal that violence is "rewarded" with a place at the negotiating table or with p wer gains. If mediators fail to observe these guidelines, they may not only undermine peace and reconciliation efforts in the situation concerned, but also encourage violence in other situations.

India

[Original: English]

1. What are the qualities of a good mediator?

A good mediator should be able to respond to the test laid down in relevant articles of the Charter of the United Nations dealing with the pacific settlement of disputes. These include Article 2 (3) which states that all Member States of the United Nations should settle their international disputes by peaceful means. Article 33 makes direct reference to disputes which constitute the subject matter of mediation. It is up to the parties to the disputes to scout for mediators and, therefore, the most important quality of the mediator is that he or she enjoys the trust and confidence of the parties to the disputes and is both impartial and seen as such. A good mediator should know the extent and the limitation of his or her mandate, in particular Article 2 (7), which proscribes interference in domestic matters.

[3] Prosecutorial Strategy 2009-2012, Office of the Prosecutor, 1 February 2010, available from http://www.icc-cpi.int/Menus/ICC/Structure+of+the+Court/Office+of+the+Prosecutor/Policies+and+Strategies/Report+on+Prosecutorial+Strategy.htm.

Article 99 stipulates the political role of the Secretary-General. This has been repeatedly interpreted in such a manner to justify the mediatory role of the Secretary-General and his special envoys. It is to be borne in mind, however, that such an authorization is only implied. In other words, parties to the dispute have to approve each and every step undertaken by the mediator(s).

Also, the principle of bias assumes critical significance. An obvious instance is the exclusion of former colonial powers and those who are or have been in their service. Second, bias should also be presumed in cases where an erstwhile colonial power seeks to mediate between its former colonies or where one former colony seeks to mediate between other parties with similar histories. Third, the principle of bias enters the picture in a variety of circumstances and, therefore, it is not useful to outline an exhaustive list. Rather, it would be better to outline that there should not be the slightest doubt and then add specific categories as situations develop.

2. What are the key attributes of an effective mediation process, including during the design and implementation stages?

It is important to bear in mind that the use of the word "process" brings a qualitative change to the word "mediation" and, therefore, it has to be carefully handled. Mediation is not a merely technical or logistical exercise. It involves political and sometimes uniquely legal questions. Therefore, there cannot be a single template for designing or implementing mediations. The two overriding considerations are the consent of the parties and national ownership of the elements of the mediation.

3. What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

Numerous mediators for any single dispute is a recipe, if not for disaster, at least for confusion. At the same time, however, since disputes usually have many dimensions, it is possible to have more than one mediator. In such a situation, the presence of a "coordinating" point among the mediators is useful. This "coordinating" point, as well as the presence of more than one mediator, must have the clear and explicit consent of all parties to the dispute. Of utmost importance also is the need to respect the basic law (or constitution as the case may be), legislations and judicial principles of the concerned nation State while handling the various issues. As a general principle, extant national laws should override any other legal principles.

4. What are the vital elements of a successful peace agreement?

The most important element for a successful peace agreement is the cessation of violence and a guarantee that peace, security and stability will be maintained. Second, it must be based on the consent of the parties to the dispute. It cannot be assumed, however, that this consent once given is forever. There must be effective guarantors for the peace settlement. Ideally, these must be persons of legal standing.

5. How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

By its very nature, mediation efforts are supposed to conclude with the formulation of a peace agreement. It is absolutely necessary to make a distinction

between the mediators and the implementers of the peace agreement, since the integrity of the relevant entities is absolutely essential to overcome any new challenges. Therefore, it is necessary to maintain a high degree of impartiality and independence of those who implement the peace agreement and that those persons/organizations should be completely separate and not have any organic link with the mediators. Any exception should be considered only on a case-to-case basis and cannot constitute norms or guidance.

In order that mediation efforts bring lasting peace, it is important not to blur the distinction between those who have the responsibility to implement a peace agreement and those who have to be supportive in the discharge of that responsibility.

Indonesia

[Original: English]

Qualities of a good mediator

The mediator must be skilled and trusted by all sides, and must have the patience and courage to guide a mediation process to a just and comprehensive conclusion that is acceptable to the disputants. The mediator should have knowledge of the full history and root causes of the conflict from multiple perspectives and all related issues, including familiarity with the respective socioeconomic conditions and cultures of parties.

Since trust is crucial between the parties, the mediator must have the ability to help develop it. Confidence of the disputants in the mediator is essential, and thus the selection of an appropriate mediator is of the highest importance.

Key attributes of an effective mediation process

Mediation is a process built upon dialogue, an essential ingredient in a culture of peace. Dialogue must be anchored in emphatic listening and mutual communication without prejudice. The parties should be treated equally, with respect and dignity, and impartiality should be upheld consistently.

While every conflict is unique and there should not be a one-size-fits-all approach, the core process of mediation often needs to be conducted away from the spotlight of the media, beginning in the absence of ceremonial episodes and formal procedure. Informality is key to building confidence and a candid approach. This tends to yield the possibility of reaching the most suitable solution, given the reality of the constraints that the parties face.

Updated knowledge of all factors of the dispute, not to mention adequate logistical backup, are necessary for the mediator and the process. And if things do not go according to plan or if re-escalation of hostilities ensues, the pursuit of diplomatic measures should not cease. But no matter how effective the mediation process may be in an international conflict, if the Security Council lacks in its role in being even-handed and cannot find credible, tangible and judicious solutions, in keeping with the established principles of international law and the Charter of the United Nations, the best of mediation will not bear fruit.

Sustainable conflict resolution necessitates addressing root causes with credible and inclusive political processes, leading to a peace agreement with comprehensive peacebuilding and political mechanisms that prevent relapse into conflict.

In Indonesia, as the history of successful conflict resolution in Aceh shows, the arrival of democracy and courageous political leaders who firmly believe in giving peace a chance over military options and who are willing to expend political capital into tangible confidence-building actions on the ground and dialogue that builds confidence in the opposition have been critical. And, as the tsunami in Aceh in December 2004 displayed, destruction, at times, can offer a window of opportunity, through acts of genuine kindness and starting afresh, to reinvigorate the bonds of affinity.

The following are key lessons from the Aceh experience, which Indonesia considers essential in developing an effective mediation process:

- A democratic political environment is an important enabler for the peace process
- A strong commitment to peace from national leadership is an indispensable precondition
- Peace deals need to be as comprehensive as possible to prevent the renewal of conflict
- An overall political settlement of a dispute has a better chance of success than sequenced approach
- The psychology of negotiation should be taken seriously. Engendering mutual confidence for constructive approach and rather than a "take-it-or-leave-it" fashion
- A strong and experienced mediator with a high level of international contacts with strong commitment to be fair and tough
- Third-party mediation can be instrumental, as it was in the role played by the Helsinki-based Crisis Management Initiative
- Internal consolidation to build intra-party cohesion should be pursued prior to direct negotiation so that negotiators are the sole legitimate voices and representatives of disputants. This helps to ensure that internal divisions within respective parties will not ruin a hard-won agreement later on.

During the planning stages of mediation, a comprehensive research of the characteristics and nature of the conflicts to be mediated is essential for determining the level of difficulty and potential challenges to be confronted as well as to anticipate necessary ways to overcome them.

The place or venue of the mediation should be a neutral environment or site, not in locations or sites where the conflicting parties reside or are located.

The mediators chosen should have no hidden agenda and/or conflict of interest. It is advisable to use the same mediators — those who have experience in mediating the same conflicts/disputes previously in order to increase the trust and acceptance of the parties. Before starting the negotiation and mediation, the mediators should be able to look into alternative views and assess the willingness of

the parties to a potential compromise. The success of a mediation process at the end of the day is determined by the will and determination within the parties involved to solve the conflict.

Considerations for effective cooperation between different third-party actors involved in mediation

Any third-party actors involved in the mediation must have the genuine intention to resolve the conflict, and not to gain benefits from any negotiation or mediation process or worsen the conflict (no spoilers of the mediation should be involved).

The United Nations, as the largest third-party mediator through its envoys, special representatives and political missions, has defused many crises and brokered negotiated settlements commendably. With its established mediation infrastructure and resources, the United Nations has many advantages. But increasingly, there are other governmental, quasi-non-governmental and purely civil-society-based entities playing valuable roles in mediation as well.

Notable are regional organizations such as the Association of Southeast Asian Nations (ASEAN). Regional actors carry local content and usually have special bonds of history and culture with the parties in conflict. Those factors increase their chances of success at preventive diplomacy and mediation. The United Nations should strengthen partnerships with regional and subregional organizations, such as ASEAN, that can contribute significantly in international peacemaking.

No single global actor alone has the capacity to meet the wide range of needs in mediation. Drawing on the comparative advantages of the various specialist actors, global peacemaking can be better leveraged. Indonesia and the other ASEAN member States have adopted an ASEAN Charter that stipulates the peaceful settlement of disputes.

From Cambodia to southern Philippines and in the South China Sea, including through collaboration with ASEAN, Indonesia has persistently practised preventive diplomacy and mediation. It played a very important role in mediating the conflict between Cambodia and Thailand throughout 2011. Indonesia is fully committed to and is a passionate advocate of mediation and preventive diplomacy, also because of its positive experience in Aceh.

There is a need for building partnerships among international stakeholders in the context of mediation. There should also be greater and sustained support for the enhancement of mediation and peacemaking capacities locally, nationally and regionally, in particular where conflict is occurring or is at risk of ensuing. Apart from the United Nations, international partners in a position to do so should extend greater assistance to conflict-affected countries.

The partnership development mechanism being contemplated in the ongoing review by the United Nations system of global civilian capacities should also focus on harnessing mediation and peacemaking capacity from, in particular the Global South and women in the South. The role of women and youth in a peace process should be maximized, since those sectors have the highest stake in a peaceful future and hence a strong will to help strike political agreements.

Proper training on preventive diplomacy, mediation and conflict resolution is extremely important. It is equally important to provide forums in which to exchange views, experiences and best practices on mediation among countries and international and regional organizations that have practical experience in the field.

In this regard, the ASEAN-European Union High-level Expert Workshop on Preventive Diplomacy and International Peace Mediation, held on 11 October 2011 in Bali, Indonesia, provided a useful forum for such interaction among the actors involved in mediation.

Competing interests among the actors involved in mediation should be avoided, as the relationship between third-party actors involved in mediation, be they governmental or non-governmental, will influence the outcome of mediation. The third-party actors must share the same interests and objective, namely, to resolve the conflict in an amicable manner.

Any resolution of regional conflict by regional organizations, while keeping the process transparent to its members, should be free of any unwanted intervention from its members.

Vital elements of a successful peace agreement

Among the key lessons from the Aceh experience mentioned above is that the political leadership must have the courage and political will to engage concretely in a fair, credible and inclusive political dialogue. Peacemaking must be seen to be their priority, and they must show steadfastness and equanimity during the mediation and after a peace agreement is signed. As already mentioned, peace deals need to be as comprehensive as possible to prevent the renewal of conflict. An overall political settlement of dispute has a better chance of success than a sequenced approach, and there must be a previously agreed upon credible political mechanism in a peace agreement that enables a timely address of sources of tension that may reignite a conflict.

Broader peacebuilding and institution building in countries emerging from conflict must be undertaken from the outset, and the United Nations and other international and regional stakeholders, in addition to playing their positive political role, should extend demand-driven support to help countries develop their capacities. In this regard, respecting priorities and plans identified by the national authorities of affected countries and national ownership cannot be stressed enough.

The process of mediation must be inclusive, in which all conflicting parties must be part of the mediation process as well as its outcome. Their commitment and good faith to resolve conflict must be ensured. To back it up, the United Nations and international support to the mediation process is vital, and that would greatly influence the success of the outcome (peace agreement) achieved.

In order to ensure that the implementation of a peace agreement involves the whole spectrum of society, wide dissemination of the terms of the peace agreement should be undertaken.

Contribution of continuous mediation efforts to implementation of a peace agreement

When dedicated effort is not made to help people understand each other and remove their lingering doubts, the result in world history has often been narrow identity politics, manipulation and grievances. By deftly appealing to the fundamental yearning in every human being to live in peace and prosperity, persistent mediation can overcome seemingly insurmountable hurdles.

But mediation can work only when it is allowed and given the space to evolve. Thus, peace through peaceful means will have to be approached as the highest priority by the international community with the greatest seriousness, sustained resolve and support.

The conflicts raging in different parts of the world will not end if credible dialogue does not take place and is not nurtured and sustained by stakeholders with a focus on resolving the root causes. Peace agreements, once materialized, need to be supported vigorously by the international community, including United Nations entities, and especially the Security Council. It is important that the General Assembly also play its vital role in the maintenance of international peace and security, in accordance with its mandate under the Charter.

Indonesia welcomes the efforts to strengthen the Department of Political Affairs of the United Nations Secretariat, which anchors United Nations peacemaking and preventive diplomacy missions. The Department of Political Affairs should be made more adept at dealing with crises with an enhanced capability to deploy mediators and other peacemaking expertise to the field in a swift manner. The Department of Political Affairs should also focus on capacity-building and training for mediators from countries from the Global South and women. In addition, the composition of the roster of mediators should take into account the geographical and gender balance.

We also underline the important benefit of the establishment by the Secretary-General of the Mediation Support Unit in the Department of Political Affairs to interact regularly with United Nations Member States. There is no one magic formula to mediation, and all actors should learn from their own as well as others' experiences on how best to overcome challenges in peacemaking. Just as in United Nations peacekeeping and post-conflict peacebuilding, where there are dedicated intergovernmental United Nations forums, we strongly believe that a venue to discuss the matters relating to mediation is worth considering.

Ireland

[Original: English]

What are the key attributes of an effective mediation process, including during the design and implementation stages?

Ground rules reflecting shared understandings were very important in the context of the Northern Ireland peace process. One such ground rule agreed by the Governments of Ireland and Great Britain was that "nothing will be finally agreed on any of the tracks until everything was agreed in the negotiations as a whole". Another was that talks would proceed on the basis of "sufficient consensus" so that

where unanimity was not possible, any decision would have to be likely to command a clear majority in both communities in Northern Ireland. Open and transparent communication with the parties, sometimes via small informal groups, was very important within the Northern Ireland peace process.

Ambitious timetables and programmes of meetings are required to ensure that momentum is maintained within an effective mediation process. We would also draw particular attention to the participation of women and the incorporation of gender issues into conflict resolution efforts as central attributes of effective mediation processes. In its resolution 65/283, the General Assembly recognized the need for the full and effective participation of women at all levels, at all stages and in all aspects of the peaceful settlement of disputes and conflict prevention and resolution. The resolution also calls for the provision of adequate gender expertise for all mediators and their teams.

Ireland's national action plan on Security Council resolution 1325 (2000), launched in November 2011, makes a specific commitment to "continue to support international mediation organizations which have a focus on the principles of Security Council resolution 1325 (2000), particularly the inclusion of women as mediators".

What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

Effective cooperation between different actors is increasingly important in creating the conditions for effective mediation processes. With the United Nations and other international organizations enhancing their engagement in mediation, and an increasing number of non-governmental organizations becoming involved in the field, a coordinated approach between different groups is key.

The involvement of high-level actors in support of a mediator can be beneficial at crucial points of the process. Calls by President Clinton and President Bush to the parties involved in the Northern Ireland peace process were of crucial importance at key moments in the talks.

As Chair-in-Office of the Organization for Security and Cooperation in Europe (OSCE) for 2012, Ireland will seek to foster cooperation on mediation support with other international organizations and partners. Decision No. 3/11 on the conflict cycle, adopted at the 2011 Ministerial Council, tasks the OSCE Secretary General to prepare a proposal that would aim to develop a "systematic mediation-support capacity" within the organization. This capacity would engage in, inter alia, "outreach, networking, cooperation and coordination with relevant local/national actors, as well as with international, regional and subregional organizations". As Chair-in-Office, Ireland will support the Secretary General and OSCE institutions in fostering this kind of inter-agency cooperation on mediation support activities.

We will also support the organization's ongoing efforts towards the resolution of protracted conflicts in the OSCE area. In doing so, it will be particularly important for the Chair's Special Representatives tasked with working on conflicts to cooperate with a range of international actors on the ground.

What are the vital elements of a successful peace agreement?

Mutual trust and good faith should underpin any agreement, as their absence could lead to its unravelling. The cessation of violence by all parties is a prerequisite for a long-term peace agreement.

Vital elements include the need to comprehensively address the full range of important and sensitive issues. At the same time, there may be value in leaving some contentious issues until a later stage, if the parties are not ready. In the case of Northern Ireland, devolution of responsibility for policing was left to a later stage, until the parties were ready to deal with it and an external body (the Patten Commission) had made recommendations on police reform. The sensitive issue of decommissioning of paramilitary weapons was not dealt with immediately, but at a later stage.

It is difficult to be prescriptive about the vital elements of a successful peace agreement, as they will vary according to the particular case. By way of example, the Good Friday, or Belfast, Agreement had to deal with three sets of interlocking and interrelated relationships: within Northern Ireland, between Northern Ireland and Ireland, and finally between Great Britain and Ireland. Within Northern Ireland, a power-sharing Executive with cross-community support was an important feature, ensuring that both nationalist and unionist communities felt politically empowered. A North-South Ministerial Council facilitated the development of closer economic and political ties between both parts of the island of Ireland. A British-Irish Council, a British Irish Intergovernmental Secretariat and a British Irish Parliamentary Assembly facilitated closer relations among Ireland, Britain and the devolved administrations in Britain generally.

It was helpful that the Good Friday Agreement built on previous negotiations, going back to the Sunningdale Agreement of 1972. This meant that the Good Friday Agreement was able to build on areas of consensus previously reached by the parties.

One of the themes of Ireland's OSCE chairmanship programme will be to draw on the experience of the Northern Ireland peace process in the context of efforts to advance lasting settlements to conflicts in the OSCE area. With this in mind, the Tánaiste and Minister for Foreign Affairs and Trade will host a Conference in Dublin on 27 April 2012, at which the experience of achieving a peaceful political settlement in Northern Ireland will be presented as a case study.

Recognizing that no two conflict situations are the same, the focus of the Conference will be on an exchange of experience, with particular emphasis on how the political settlement in Northern Ireland was achieved, how the political trust needed for it was built up and how the post-conflict political processes and institutions are functioning today.

In sharing this experience, the Irish Chairmanship hopes to support and encourage those engaged in seeking lasting settlements to conflicts in the OSCE area and elsewhere.

How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

The role of outside mediation efforts remained important during implementation of the Good Friday Agreement. Outside mediators dealt with the contentious issues of the decommissioning of paramilitary weapons and with police reform. Their involvement allowed the parties to deal with other issues and gave them additional time for reflection. An external Oversight Panel monitored the implementation of the Patten Commission recommendations on policing. This facilitated cross-community support for police reform and was crucial in building mutual trust on this sensitive issue.

As Chair-in-Office of OSCE, Ireland will support efforts to implement Ministerial Council Decision No. 3/11 on the conflict cycle which aims to strengthen OSCE capabilities in early warning, early action, dialogue facilitation, mediation support and post-conflict rehabilitation on an operational level.

This focus on fostering dialogue at all stages of conflict, rather than solely on the phase immediately preceding the signing of a formal agreement, is echoed in General Assembly resolution 65/283. The resolution stresses the importance of mediation activities in peacebuilding and recovery processes, in particular in preventing post-conflict countries from relapsing into conflict. As a co-sponsor of that resolution, Ireland will continue to support mediation activities in the post-conflict setting.

Italy

[Original: English]

1. **What are the qualities of a good mediator?**

While there are no objective criteria for measuring what makes an international mediator "good", there are a few basic requirements.

First and foremost, a good mediator must have the ability to examine the differing national interests of both parties (political, economic, cultural, etc. ...) so as to shift the dispute away from opposing claims and towards "negotiable" opportunities.

Secondly, a neutrality, impartiality, and transparency enhance the credibility and stature of the mediator in the eyes of the parties to the dispute. Depending on their separate demands, the parties could prefer either the intervention of an outsider (a third person distant from the facts, events, or parties) or an insider (a trusted person involved in the dispute whom the parties know and respect).

A good mediator must operate quickly and flexibly, exerting enough influence to shape the negotiations. He or she must act in such a way that the parties perceive him or her as a person acting on a temporary mandate who has no authority to force them to overcome their differences: the mediator must assess the parties' positions and offer his or her advice without predetermining who is right or wrong, proposing (rather than imposing) sound lasting solutions that benefit everyone.

Lastly, the mediator should not represent any one particular interest or political obstacle. For this reason it is not always preferable for an international organization consisting of governments or states to act as a mediator.

2. What are the key components of an effective mediation process, even at the draft and implementation stages?

The effectiveness of international mediation can be measured by calculating the goals achieved at the end of the process in comparison to initial expectations. This measurement is relative unless the outcome is so remarkable as to determine the success or failure of a process (e.g., when violence between parties ends in peace). There are indicators that prove the success of a mediation process, such as the achievement of a ceasefire in conflict situations, a cessation of hostilities, or the conclusion of an agreement between the opposing parties. In general, an international mediation process can be considered successful if a solution acceptable to all parties is found.

In terms of timing, the mediation must take place before the conflict escalates to its peak but after it has become intense enough for both parties to feel the need to settle it. There is thus a very narrow window in which the conflict is ripe for mediation. If intervention comes too early or too late, its chances of success are unlikely.

To reach a successful outcome, the modalities of the process must be decided with the greatest possible degree of autonomy by the parties involved.

3. What considerations must be made for effective cooperation between third-party actors involved in a mediation process?

The mediator has to be absolutely impartial towards both parties. In general, the mediator must take a neutral stance towards the facts or events in dispute, without tending one way or the other. However, the political influence of the mediator can sometimes be crucial to the outcome of a negotiation (e.g., President Carter's role in the Camp David Accords). Cooperation between mediators, instead, must be based on consistency and transparency, otherwise the negotiation could be counterproductive. This means that third-party mediators must guide the parties towards mutually acceptable solutions and conduct the negotiations in the mutual interest. An alternative is to stage open disagreements between mediators to shape the negotiations. These disagreements must be carefully planned beforehand.

4. What are the vital elements of a successful peace agreement?

Theoretically, accords reached through mediation have a greater probability of being respected voluntarily and of preserving friendly relations between parties. This is because such an agreement would result from the initial will of the parties to settle the dispute, since they both chose to follow a mediation process.

The success of a peace agreement depends largely on the balance accorded to the interests of both parties: an imbalanced agreement would be a bad one. When an agreement is co-generated, namely, when it is truly produced by all the parties involved, it has a greater probability of being respected in the long term. This is why the mediator is discouraged from forcing a solution, despite his or her authorization to exert pressure to push negotiations forward when necessary. A good peace agreement is one that encompasses the development needs of the States involved

with respect to the obligations ensuing from the treaty. Before finalizing the agreement, it is useful to draft a declaration of basic principles that could provide the foundation on which to base the agreement.

5. **How can continuous efforts contribute to the effective implementation of a peace agreement?**

If the parties agree, the work of the mediator can go beyond the parameters of mediation and extend into the stipulation of a peace accord. More importantly, the mediator must ensure that the parties do not jeopardize the results achieved during the negotiation process and strike a balance between the "winners" and the "losers", helping them to see the agreement as an opportunity for both sides. The work of the mediator does not necessarily end with the negotiations. He or she can facilitate the exchange of information between parties, define incentives for the parties to respect the accord (at least in the short term), and contribute with the parties to the development of an implementation plan. Such a plan should consist of an outline of all the necessary stages, to be assessed on a case-by-case basis, for the implementation and development of the accord: e.g., the stage of the transition from the declaration of basic principles to the stage of the obligations established by the accord; the stage in which monitoring strategies are devised to ensure that the obligations pursuant to the accord are met; the stage in which a network of external partners (e.g., working groups, expert panels, committees, advisers, etc.) are called in to support implementation.

Jamaica

[Original: English]

1. **What are the qualities of a good mediator?**

A good mediator possesses the following qualities:

(a) Impartiality and independence, having no personal interest in the dispute or its potential outcome;

(b) Displays a balanced approach at all times;

(c) The ability to create a confidential, safe environment encouraging the parties to work together towards solving the problem and/or appreciating the issues;

(d) Patience and active listening skills;

(e) The ability to maintain an emotional and professional distance while at the same time showing the required amount of empathy, where relevant;

(f) The ability to focus on problem solving and not the parties, and in turn, guide the discussions so that the parties focus on the problem(s) and issues, not each other;

(g) Is knowledgeable about the subject area that concerns the mediation;

(h) Avoids any appearance of, or actual conflict of interest;

(i) Knows when to step back;

(j) The ability to ask pertinent and searching questions.

2. What are the key attributes of an effective mediation process, including during the design and implementation stages?

The key attributes of an effective mediation process, including during the design and implementation stages, are as follows:

(a) A brief (outlining the parties' positions and views of the problem(s) and the parties' desired or projected outcomes) submitted to the mediator prior to the first date (where relevant) for the mediation to commence or continue. It is noted that mediations conducted pursuant to the Supreme Court of Jamaica Civil Procedure Rules ought to be preceded by such a brief;

(b) Legal rules do not apply to allow the parties to work towards reconciling a matter in good faith as best as possible;

(c) The mediation is conducted in a manner that is not adversarial;

(d) The mediation is conducted out of court;

(e) The mediation is conducted in a neutral area which is away from the environment where the factual matrix unfolded;

(f) The mediation is conducted in a controlled manner allowing the parties to ventilate/discuss matters in a respectful manner;

(g) It is client driven and not attorney driven;

(h) It is voluntary;

(i) All the parties work towards consensus.

(j) The process allows the parties to identify, recognize and address the root of the problem(s), especially where the surface issues are only symptomatic of the real problem(s).

3. What considerations are important for the effective cooperation between different third-party actors involved in the mediation process?

The important considerations for the effective cooperation between different third-party actors involved in the mediation process are as follows:

(a) The parties' willingness to negotiate with and respect each other;

(b) The parties' honesty and submission in understanding the issues from the other party's perspective;

(c) The parties' non-adherence to polarized positions and not being cemented in fixed positions;

(d) The parties' ability to express how they feel to each other;

(e) The parties' faith in the mediation process;

(f) The parties' willingness to be bound by the outcome of the mediation process;

(g) The mediator and the parties' commitment to the mediation process.

4. What are the vital elements of a successful peace agreement?

The vital elements of a successful peace agreement are as follows:

(a) Trust;

(b) The parties' willingness to work together;

(c) The parties' willingness to implement the terms of the peace agreement;

(d) A continuous and purposeful follow-up process to monitor and evaluate what progress, if any, has been made;

(e) A mediator who is readily available to further mediate should any issue or problem arise after the signing of a peace agreement;

(f) Community leaders actively endorsing the peace agreement and committing to be a part of said peace agreement;

(g) Persons who are affected by but are not directly involved in the conflict should be engaged as stakeholders of the peace agreement.

5. How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

Continuous mediation efforts can contribute to the effective implementation of a peace agreement in the following ways:

(a) It can bolster commitment on each side of the conflict;

(b) The parties to the conflict may observe and appreciate the value of reasoning things out;

(c) It may foster a desire on the part of the various parties not to return to a state of conflict;

(d) The parties are reassured that they can benefit and access resources or assistance in addressing situations in which they do not possess the tools to address themselves;

(e) Mediation helps to develop a culture of dialogue;

(f) Mediation can act as a neutralizing factor when human tensions and emotions are elevated;

(g) Mediation is a viable alternative to the civil and/or criminal justice systems.

Japan

[Original: English]

Japan, as a member of the Friends of Mediation Group, would like to thank the United Nations for its intensive efforts to develop guidelines for more effective mediation. Japan has considerable experience with mediation in Asian countries such as Sri Lanka, Indonesia, the Philippines and Cambodia. The following points are some of the lessons learned from Japan's own experiences.

Important factors in Asia's peace process

The importance of local ownership should be kept in mind in engaging in mediation work in Asian countries. Looking back on the history of Asian conflicts, it was rare to see a total collapse of central governing systems, even in situations where the conflict became violent. In the cases in Asia where the central government was functioning, mediators were often chosen based on agreements between the central government and the political/armed opposition groups. For mediators from third countries, especially those which have strong diplomatic relationships with the central government, it is important to maintain a neutral position.

Inclusiveness and openness are key in peace processes in Asia, although mediation itself is often done in a private and discreet manner. The involvement of broader stakeholders who are not directly negotiating at the table, such as leaders of religious groups or local politicians, can have a positive impact in ensuring understanding and support from the local community and civil society. In this connection, capacity-building of the local media, which can contribute to promoting people's awareness of the development of the peace process, is also effective.

Advantages of official development assistance in the peace process

Development assistance for reconstruction is generally provided after peace agreements are concluded. Japan also has participated actively in the reconstruction phase by using various kinds of tools, including its official development assistance.

In Mindanao, however, with the aim of accelerating the ongoing peace negotiations, in which the Government of Malaysia has played an important role as the facilitator, Japan decided to provide official development assistance, mainly through the Japan International Cooperation Agency, during the conflict period while the parties were still undergoing peace negotiation.

Japan's assistance package, called J-BIRD, which includes the construction of schools, health centres, water supply systems and agricultural facilities, was designed to contribute to the peace process and to development in the conflict-affected areas of Mindanao. Japan's commitment to the official development assistance projects encouraged the stakeholders to complete the peace process and strengthened confidence-building in Mindanao.

Development assistance can have a positive role in enhancing confidence-building among the stakeholders from both sides of a conflict, as was the case with the aforementioned programme in Mindanao. The biggest challenge for a donor is to avoid being regarded as biased in providing development assistance, which normally goes through the central government. Projects need to be carefully designed to enable the people to profit from the dividends of peace.

The timing for the start of the assistance programme is also critical to make the parallel process effective. Donors must monitor the peace negotiations with vigilance in order to prevent the assistance from undermining the ongoing negotiations.

Role of non-governmental actors

It is clear that the role of non-governmental actors in mediation is important, especially in Asian countries where the central government has strong power. Under governments which are not in favour of accepting third-country mediators for fear that it could lead to internationalization of the conflict, non-governmental actors may have advantages in facilitating informal processes that would help build confidence among stakeholders and civil society.

An example of this took place in Mindanao, where a track 1.5 seminar was organized and moderated by the Japan International Cooperation Agency in collaboration with a Malaysian university in January 2012. This seminar included most of the stakeholders in the current Mindanao peace process, including panels from the Office of the Presidential Adviser on the Peace Process, the Government of the Philippines and the Moro Islamic Liberation Front, as well as members of congress and civil society, governors and religious leaders.

Kuwait

[Original: Arabic]

With regard to the first question, on the qualities that mediators should possess, mediators must have an acceptable background in legal matters and must have expertise in conflict resolution. They must have a knowledge of English and French and have previously undertaken activities relevant to mediation.

With regard to the key attributes that mediators require, it is essential that:

(a) They are provided with information and data relevant to the dispute in question and the legal documents pertaining to that dispute;

(b) They are empowered to verify the accuracy of the information, data and documents referred to above;

(c) They are given a specific time frame that provides adequate time for them to elaborate proposed solutions and to circulate those solutions among the parties to the dispute.

With regard to the considerations important for the effective cooperation between concerned parties, mediators must strive to ensure transparency in their work, and must, at all times, communicate with the parties to the dispute.

As for the vital elements of a successful peace agreement, the terms of that agreement must be clear and precise in order to promote compliance. The agreement must also stipulate mechanisms by which its provisions are to be interpreted and implemented.

To ensure that continuous mediation efforts contribute to the effective implementation of a peace agreement, a framework for periodic reports, follow-up and evaluation should be established.

Kyrgyzstan

[Original: Russian]

As the tragic events of June 2010 in southern Kyrgyzstan were at their height, a women's peacekeeping organization began to emerge.

Actions undertaken by women in the conflict areas to foster dialogue among the warring factions on the need for a transition to peace have been important in restoring calm. Women have thus made a significant contribution to the return of refugees and displaced persons and their reintegration into society.

The network, established by 100 women peacekeepers during the conflict, now numbers 1,500 women peacekeepers and is called the Women Peacekeepers Network of Kyrgyzstan. Since March 2011, the Network has enjoyed the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), enabling it to gain official status, delineate clearly its scope of work and have a meaningful impact on the development of the peacekeeping process at both national and regional levels.

The Network's activity is aimed at conflict early warning, with women involved in assessing situations and factors that could lead to conflict. Large numbers of women are also included in peacekeeping missions, negotiations and consultations on the management of transboundary natural resources at the national, regional and global levels.

The network hosts a range of events, including parades, concerts, lectures, festivals and friendship programmes designed to restore trust between the two communities.

Lithuania

[Original: English]

In accordance with paragraph 17 of General Assembly resolution 65/283 on strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution, which requested the Secretary-General to submit a report on the implementation of the resolution and to include the views of, inter alia, Member States, the Republic of Lithuania would like to highlight the following issues.

1. Guidance on effective mediation

Lithuania welcomes the efforts by the Secretary-General to develop guidance for more effective mediation and fully associates itself with the input provided by the Group of Friends of Mediation, which it joined on 31 January 2012.

2. Women in mediation

Lithuania emphasizes the importance of the full and effective participation of women at all levels, at all stages and in all aspects of the peaceful settlement of disputes, conflict prevention and resolution, as well as the provision of adequate gender expertise for all mediators and their teams.

In our view, there is a need to constantly record progress achieved in implementing paragraphs 4 and 9 of resolution 65/283, which encourage Member States to promote the equal, full and effective participation of women in all forums and at all levels of the peaceful settlement of disputes, conflict prevention and resolution and encourage the Secretary-General to appoint women as chief or lead mediators in United Nations-sponsored peace processes and to ensure adequate gender expertise for all United Nations processes.

In this context, it is important to mention that Lithuania's national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security[4] defines the increased influence of women's contribution to international peace, security and democracy processes as one of the goals of national implementation of resolution 1325 (2000). The following actions are foreseen to implement this goal: drawing up a list of women who are potential candidates for positions in international organizations and to train those candidates; increasing the number of women serving as mission experts who are included in the secondment reserve and improving their qualifications; and financing development cooperation projects that aim at training women as participants in the process of development of peace and democracy.

3. Importance of regional and subregional cooperation

Lithuania underlines the importance of partnerships and cooperation of international, regional and subregional organizations with the United Nations, as well as the need to develop regional and subregional mediation capacities and structures.

In Europe, regional organizations, and in particular, the Organization for Security and Cooperation in Europe (OSCE) have accumulated an invaluable expertise in mediation efforts that should be shared with the United Nations and other regions. Since the early 1990s, OSCE has been involved in high-level as well as local mediation and dialogue facilitation efforts in South-eastern Europe, Eastern Europe, the South Caucasus and Central Asia. OSCE engages in efforts to prevent and resolve conflicts in its region, and several OSCE field operations have been or are involved in fostering dialogue between communities and authorities as part of their work to promote comprehensive security.

Conflict prevention and resolution was one of the priorities of the Lithuanian Presidency of OSCE. On 12 July 2011, the Lithuanian OSCE chairmanship, with the support of Switzerland and the OSCE Conflict Prevention Centre, hosted an expert meeting in Vienna on strengthening the mediation support capacity of the organization, which aimed to put forward concrete proposals for the development of a mediation-support capacity to enable the OSCE to provide systematic and professionalized support to assist OSCE chairmanships, their special representatives, heads of field operations and other actors in dialogue facilitation and mediation.

On 7 December 2011, the OSCE Ministerial Council in Vilnius adopted decision 3/11 in anticipation of further steps in addressing the conflict cycle in order

[4] Adopted on 28 December 2011. Full text is available on the website of the Permanent Mission of Lithuania to the United Nations (http://un.mfa.lt).

to strengthen OSCE capabilities in early warning, early action, dialogue facilitation, mediation support and post-conflict rehabilitation on an operational level.

We welcome ongoing efforts and activities in this regard and believe that existing cooperation with regional and subregional actors should be encouraged and further expanded.

Montenegro

[Original: English]

1. What are the qualities of a good mediator?

A mediator is a third, neutral person who helps parties communicate and find common, acceptable solutions for their dispute. Mediators may be judges, lawyers, psychologists, doctors, economists, engineers and other prominent experts from various fields, depending on the type of dispute they mediate. The mediator is independent in the conduct of mediation proceedings, and he or she is not accountable to anyone if there is no settlement. However, the mediator must adhere to professional rules and a code of ethics. There is no basis for a mediator to enjoy immunity if he or she committed a crime or damages the mediation process.

The basic characteristics and qualities all mediators should have are:

Confidentiality

Confidentiality means that what is said or written during the proceedings of mediation cannot be used in later, possible court proceedings. If the parties trusted each other, it would be possible to resolve the dispute themselves, or else the conflict would not exist.

Impartiality and neutrality

The mediator must act impartially and neutrally. He or she should not comment or make value judgements, nor give advice or suggest solutions. The mediator must keep in mind that his or her behaviour, attitude, and sometimes the techniques of mediation can bring a sense of sympathy towards one side. The mediator cannot perform his or her function if there are circumstances that indicate doubts about his or her impartiality and objectivity.

Integrity and fairness

As a general legal principle, integrity and fairness must be achieved in mediation. Resolving a conflict in an unethical or dishonest manner is not acceptable, because such a method contains incorrigibility and provokes new conflict between the parties.

Competence of the mediator

Recommendations of the Council of Europe, the rules of the United Nations Commission on International Trade Law and legal scholars point out that mediators have to be professional, respectful and educated for the job and must be able to obtain information and feedback on the evaluation of their work.

Assistance to lay clients

A mediator has an obligation to allow each of the parties in the mediation to exercise its rights, in accordance with the law. For this reason, if a party is not able to exercise its rights owing to lack of awareness or ignorance, a mediator is required to advise the party on how to exercise that right.

Privacy

All persons involved in the mediation process are required to respect the principle of privacy and to keep secret what they learned during the mediation procedure.

2. What are the key attributes of an effective mediation process, including during the design and implementation process?

A mediation process consists of four stages: joint introductory meeting; research; negotiation; and agreement or suspension. During this process, it is vital for the mediator to get a full insight into the nature of a dispute, with the ability to understand the different cultural/ethnic/social backgrounds of the parties, and other aspects relevant to the dispute. In order to reach a successful proceeding, a mediator ensures a healthy dialogue and an atmosphere for peaceful negotiation.

3. What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

Unlike in court proceedings, the mediator takes different aspects into account in order to resolve a dispute. Depending on the nature of the conflict, a mediator should be able to understand the parties' backgrounds: social, economic, environmental, cultural and other aspects relevant to the conflict itself. Hence, it is important to learn about those aspects upon the initiation of the process, so that a mediator can make a plan on how to motivate the parties to reach an agreement.

4. What are the vital elements of a successful peace agreement?

In order to reach a successful peace agreement, it is vital that the mediator be thoroughly informed about the nature of the conflict, to consider different aspects related to the conflict and foster equality between the parties, while at the same time motivating the parties to reaching a mutually satisfying agreement, creating an atmosphere for a healthy dialogue, and remaining impartial and objective throughout a process.

Once a successful peace agreement is reached, its elements should serve the interests of all parties involved (sometimes parties are allowed to design an agreement entirely by themselves). Signing and notarization are obligatory, given that such an agreement has the force of a judicial decision.

5. How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

Upon signing the agreement, as mentioned above, its effective implementation is ensured through the signature of all parties involved and notarization, which makes the agreement legally binding. Otherwise, conflict can arise again, and the process repeats itself in this, or some other way. Therefore, efforts that should be

made imply action prior to the initiation of the process where the parties, and the public as whole, should be well informed about the benefits of peace agreements reached through mediation. Raising public awareness and ensuring the dissemination of information about peaceful conflict resolution and its benefits largely contribute to its outcome and the ultimate implementation of the peace agreement.

Morocco

[Original: French]

1. What are the qualities of a good mediator?

The choice of mediator is of paramount importance. Certain human qualities are essential to meeting the challenges of a dispute or conflict and establishing a climate of trust so as to guide the parties to a mutually acceptable solution through negotiations.

The essential qualities of a mediator may be summarized as follows: confidence, impartiality, credibility, realism, respect for the mandate vested in the United Nations, patience and caution.

Other qualities relate to the context of a dispute and call for a thorough understanding of the causes and nuances of a particular dispute or conflict.

Past experience, professionalism and the mediator's status are likewise important, as they represent useful assets in the mediation process.

2. What are the key attributes of an effective mediation process, including during the design and implementation stages?

It is important to underline that there is no one-size-fits-all mediation method, given the diversity of disputes and the particularities of each situation. Mediation requires a lasting engagement, good coordination and a careful evaluation of the context.

The effectiveness of a mediation process depends on the following parameters:

- A considered choice of mediator, as the personality and background of a mediator can be as much a factor of success as of failure of the negotiating process;
- Adequate preparation and an awareness of the red lines in the positions of the parties;
- A sincere and palpable political will on the part of the parties to resolve a dispute or conflict;
- Political engagement at the highest levels;
- Determining the positions of neighbouring States and securing their active participation in the negotiating process to facilitate a resolution;
- Strict respect for the principles and provisions of the Charter of the United Nations, including respect for territorial integrity and national sovereignty, and for the impartiality and neutrality of the United Nations;

- In cases where the Security Council is actively seized of a situation, its oversight of the different stages of the negotiating process, which reflects the commitment of the international community to resolving a dispute or conflict;
- Effective logistics, which are an important precondition for the success of mediation. The venues for meetings of the parties, the layout of the meeting rooms, the framework of the talks and good relations with the media are all important factors to bear in mind.

3. What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

All peace processes involve different alignments of political interests and engage third-party international intergovernmental organizations, regional organizations, States and non-governmental organizations to varying degrees. It is therefore essential that mediation always be based on collaboration.

The involvement of third parties in the mediation process depends on the context, the nature and the dimension (regional or international) of a dispute or conflict. It may involve neighbouring States, international or regional organizations, a group of friends or non-governmental organizations.

In the case of regional or international disputes, neighbouring States must become involved, and cooperate with the mediator and the parties in order to facilitate the search for a negotiated and mutually acceptable solution.

The salient parameters of such an involvement may be summarized as follows: first, knowledge of the issues at stake in the dispute or conflict; second, good faith; third, the will to support mediation efforts; fourth, active participation in the negotiating process.

The United Nations is an indispensable player in the mediation process as it is a universal organization with a wealth of experience in the peaceful settlement of disputes, in preventive diplomacy and in the maintenance and consolidation of peace. These qualities position it indisputably ahead of other actors in this area.

4. What are the vital elements of a successful peace agreement?

The key to the success of peace agreements is in their implementation. Success in this respect depends on the active support of the parties to the dispute or conflict, as well as on the participation of the international community. An agreement does not come into being of its own volition. Its implementation is the result of a collective effort. Its success requires a clear vision, a great deal of energy and the forbearance of the parties. The final measure of the success of a peace process resides in an evaluation of its implementation.

As the principal task following a conflict is assuring peace and stability, certain factors relating to the formulation and implementation of a peace agreement may be of critical importance to meeting the requirements of collective and individual security, and also to the wider ramifications of peacebuilding. Such factors may include reconciliation, the promotion of the rule of law, the establishment of mechanisms of good governance, the management of cultural heritage, the distribution of wealth and the recognition of minorities in the context of a diverse national identity.

Accordingly, the following parameters determine in large measure the success of a peace agreement:

- Applicability: a peace agreement must be realistic and viable;
- Ownership: the parties must be involved and must feel that the agreement emanates from their will;
- Sustainability: the agreement must reflect a win-win situation and enjoy the support of the international community and the countries of the region as guarantors of its implementation;
- Comprehensiveness: the peace agreement reached through negotiation must, without being overly prescriptive, permit the parties to enact it. Implementation is a critical stage, as it represents a true test of the sincerity of the parties' genuine desire to settle a dispute or conflict once and for all;
- Guarantees: guarantees of its implementation are critical to the durability of a peace accord.

5. **How can continuous mediation efforts contribute to the effective implementation of a peace agreement?**

All mediation must be based on the firm belief that there no purely military settlement can ever be sustainable, and that all settlements must be the result of dialogue and negotiations.

The existence of mediation has the advantage of keeping the negotiating process going, with the aim of finding a lasting solution that is mutually acceptable to the parties and has the support of the international community.

The pursuit of mediation permits the parties to conduct regular joint evaluations.

The United Nations, by virtue of its universality and its commitment to the peaceful resolution of disputes, represents an appropriate framework for the promotion of mediation as a practical approach and in the search for solutions to international disputes and conflicts.

New Zealand

[Original: English]

Introduction

Further to General Assembly resolution 65/283 of 28 July 2011 on strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution, New Zealand stresses the importance more broadly of the peaceful negotiation and settlement of competing interests according to agreed rules and processes, both domestically and internationally, of which mediation is one part.

This response focuses on the questions put forward by the Secretariat in its note dated 5 December 2011 relating to different dimensions of third-party mediation interventions as inputs towards the development by the Secretary-General of guidance for effective mediation. In addition, some general comments about New

Zealand's domestic and international approach to and experience of mediation are included in the attachment to this response.

Responses

1. What are the qualities of a good mediator?

Even where mediation is undertaken by States, international organizations or non-governmental organizations (NGOs), it is ultimately individuals who carry out this work at the negotiating table and on the ground. The experience of New Zealand suggests that individuals, and the organizations they represent, should have the following qualities. In terms of personal characteristics and attributes an effective mediator should be:

- Capable of inspiring and maintaining respect and trust among all parties and of being perceived as objective and impartial by all key stakeholders
- Committed to pursuing peaceful processes of dispute resolution and to upholding underlying values that reflect human dignity
- A clear communicator and a good listener, with sound judgement regarding when to keep quiet and when to engage and speak out
- Empathetic, while still capable of maintaining a professional impartiality and independence from specific individuals and situations
- Flexible and creative in their approach when required, and capable of adjusting tactics in a timely fashion to respond to emerging circumstances, challenges and opportunities
- Determined and resolute, including being willing to push the parties forward at the right time, and capable of judging when it is best to do so
- Understanding of the challenges of working with uncertainty and of the limits of what is achievable in the role of mediator
- Patient, as well as mentally and physically resilient.

In terms of specific knowledge and expertise an effective mediator should have:

- The capacity to maintain a primary focus on the parties and their issues and to ensure that they retain ultimate responsibility for the conclusion and successful implementation of any agreement
- A good understanding of the relevant history and dynamics of the issues, including knowledge of the key interests and players
- A deep understanding of the causes, including what brought the parties into conflict, and what continues to drive them
- A solid appreciation of the risks involved, including that participation might in some cases be a means by one or more parties to further their interests within a conflict
- An ability to explore, negotiate and consolidate invitation avenues for accessing key players and processes, and for bringing them to, and holding them in, peaceful processes for conflict resolution

- Good connections and relations with relevant players domestically and internationally, providing broad legitimacy and credibility for mediation efforts and enabling parallel processes to be tied together with supporting players as required
- Excellent knowledge of negotiation skills and processes, including relevant techniques for managing through the various stages of a negotiation
- Literacy in and sensitivity to different cultural, religious and gender values and perspectives, particularly those relevant to the actors and issues at hand
- Skills in facilitating discussion, including techniques for keeping dialogue concentrated on key areas, for temporarily parking difficult issues and for helping all parties remain engaged
- Good knowledge of relevant substantive fields, including: agreeing on and implementing ceasefires and related processes (e.g. disarmament, demobilization and reintegration); managing transitional arrangements; constitutional and legal processes in domestic and international law; emergency management; conducting elections; and phased implementation of arrangements over time
- Good comparative knowledge of peace processes, especially what has worked in the past, what has not, and why
- Good understanding of the costs and risks of conflict and of peace processes going wrong, and of how these might be conveyed, minimized, avoided or borne
- Good understanding of the phases likely to emerge in any peace process and in the issues at hand
- A solid grasp of principles of international law, as well as relevant regional and national arrangements.

2. What are the key attributes of an effective mediation process, including during the design and implementation stages?

No two conflict situations are identical, and each mediation process must be tailored to local needs and circumstances; no one size fits all. However, in the experience of New Zealand, elements common to the planning, strategizing and implementation of effective mediation processes include:

- Initial mapping of the issues, influences and key actors involved in a conflict
- Developing a mediation strategy based on a firm grasp of the history of the conflict and the key issues involved, as well as conducting appropriate risk management and analysis of the range of scenarios that might emerge
- Selecting a mediation team that possesses appropriate knowledge and expertise and enjoys sufficient legitimacy, respect and influence among the major players; and (to the greatest extent possible) maintaining continuity in this team throughout the process
- Maintaining a focus at all times on primary objectives and avoiding becoming overly distracted by secondary goals

- Working to bring all (or at least the most important) key players to the negotiating table and to hold them there
- Supporting and empowering domestic constituencies for peace, including within parties to the conflict and civil society (e.g. churches, women's groups, etc.)
- Ensuring the timely and sustained provision of resources required to maintain the process (both financial and technical)
- Securing the consent, engagement and support of all key players involved in a conflict and of others with important interests in the process
- Ensuring that mediation processes are firmly grounded in core values and principles, including those of the Charter of the United Nations
- Designing and implementing the process in a way that fosters ownership and the responsibility for success or failure by the parties themselves, and that ensures they remain at the forefront at all times
- Maintaining patience, perseverance and a long-term perspective, including a tolerance for risk and periodic setbacks. Most successful mediation efforts follow numerous failed attempts, and mediated settlements may take decades to fully implement and may experience several reversals.

3. What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

The presence of multiple third-party actors can support effective mediation where their efforts are complementary and coordinated. However, conflicting approaches and parallel processes can also work to undermine the effectiveness of mediation efforts. Indeed, in some cases, the external processes may themselves become a major part of the problem. It is therefore important that third-party mediators seek to cooperate and work together. If this is not possible, strategies and processes must address this as a priority, to ensure at the very least that mediation decisions and processes are based on assessed risks. Depending on the circumstances there is an almost infinite range of considerations in determining how best to cooperate and coordinate among third-party actors. Common factors include:

- Establishing effective communication and decision-making strategies between different third-party mediators involved in a situation; as well as clearly identifying relative roles and lead responsibilities, where possible
- Working together to build trust between key actors, including commitment to peaceful problem-solving and the de-escalation of tensions
- Working together and with the main parties to identify areas of agreement and disagreement and to establish processes for dealing with each
- Mapping and responding appropriately to the effective weaknesses, strengths and risks that multiple actors bring to a mediation process.

4. What are the vital elements of a successful peace agreement?

Defining "success" is to a large extent dependent on the perspectives of those who undertake it as well as the criteria, comparators and time frames employed.

However, there are various established measures that can be employed, such as deaths and injuries, the conduct of elections, establishment of the rule of law, achievement of economic growth, as well as others that address underlying causes (e.g. resolution of long-standing grievances, reducing youth unemployment, effective management of land and resource issues, controlling the illicit arms trade).

From the experience of New Zealand, the following elements have proved to be important elements in successful peace agreements:

- A firm commitment by the political leadership and wider civil society to ongoing peaceful political processes for the resolution of disputes
- A reduction in (or elimination of) the capacity of conflicting parties to resort to violence in the pursuit of political or resource objectives
- Ongoing attention and a long-term commitment of resources and political will by domestic actors and external partners

5. How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

It can take decades to successfully implement peace agreements, and progress is rarely linear. Indeed, recent conflict in a "rebuilding state" is acknowledged as a solid predictor of recurrence of conflict. There is therefore increasing recognition of the importance of finding ways of staying appropriately engaged in the implementation phase of a peace agreement, consistent with the responsibilities of States for self-determination and the principle of respect for national sovereignty.

The sustainability and success of mediation processes depend on the ongoing consent and engagement of the parties concerned, including the host government and other partners, such as external governments and relevant regional and international organizations. Ongoing consent is often hardest to secure for continuous mediation, as there is often a short-term focus and a desire for a clear exit strategy in third-party mediation, owing to a number of factors, including cost and political risk. However, a distinction needs to be drawn between the more short-term (high-cost) need for deployment of troops and other guarantors of security in the field, and the longer-term need for low-cost mediation support for the peaceful resolution of ongoing issues and for rebuilding government processes.

In Timor-Leste there is now widespread recognition that the United Nations withdrew too much support too soon following independence in 2002. A similar argument might be made in case of other recent conflict zones. From the experience of New Zealand, the search must continually be for a better balance between exit strategies and ongoing support for the peaceful resolution of disputes and the effective implementation of mediated settlements. A good current example is the Regional Assistance Mission of the Pacific Islands Forum in Solomon Islands.

Concluding comments

Mediation will always be especially relevant where existing systems of decision-making and conflict resolution fail to cope with new challenges and break down, resulting in economic, political or security crises. But in the twenty-first century, crises and challenges may increasingly come from different directions, including climate change, natural disasters, population movements and resource

scarcities. For New Zealand those challenges will be particularly relevant in its own region, the Pacific, but each continent will experience them in its own way. It is therefore only likely that the demand for high quality mediators and mediation processes that respond effectively to both familiar and emerging challenges will grow.

Attachment

New Zealand's approach to mediation and conflict resolution

The approach of New Zealand to mediation and conflict resolution is deeply rooted in its culture and history and in its active contribution towards mediation and preventive diplomacy efforts in the Asia-Pacific region and internationally.

The foundation document of modern New Zealand, the Treaty of Waitangi, was signed in 1840 between the British Crown and the Chiefs and Tribes of the indigenous Maori people. It requires the government to protect the authority, status and rights of Maori tribes. Since that time, implementing this requirement has provided ongoing domestic experience for New Zealand in the search for just and peaceful mechanisms for the resolution of disputes.

This domestic history underpinned the international personality and values of New Zealand. As a founding member of the United Nations, New Zealand played a strong role in securing the principle of self-determination for the inhabitants of non-self-governing territories in negotiations establishing the Charter of the United Nations and in the enumeration of the economic, social and cultural rights in the Universal Declaration of Human Rights in 1948. As a Member State of the United Nations since its establishment in 1945, New Zealand has consistently supported actions that protect fundamental human dignity, including in the context of conflicts and political crises.

In terms of recent active experience, New Zealand provided critical good offices mediation between parties to the Bougainville secessionist conflict in Papua New Guinea, which was instrumental in bringing the warring parties to the negotiating table in 1997. A succession of agreements between the parties on ceasefires, international monitoring and constitutional negotiations eventually resulted in the signing of the Bougainville Peace Agreement on 30 August 2001. New Zealand played a number of important roles in this process, including bringing the parties together to negotiate in New Zealand, producing ceasefire arrangements, leading the initial unarmed monitoring force, structuring early arrangements for the parties to continue discussions, and brokering regional support for implementation. A key outcome from the process was the conduct of peaceful elections and the implementation of autonomy arrangements for Bougainville in June 2005 (followed by follow-up elections and a peaceful transfer of power in June 2010).

In addition to the leading contributions made by Australia and other members of the Pacific Islands Forum, the United Nations played an important role in the latter stages of the peace process, especially between 2000 and 2005 when a United Nations mission verified compliance with weapons disposal commitments and chaired political discussions between the parties.

While to date the Bougainville peace process has been regarded as an overall success, it remains incomplete. Under the terms of the agreement, a referendum on the future political status of Bougainville must be held between 2015 and 2020; and even now some areas have not joined the peace process. However, from the parties and the region there has been widespread appreciation for the role of New Zealand in providing trusted, efficient, effective and peaceful mediation in what was described as the biggest conflict in the Pacific since the Second World War. Indeed, the slogan adopted by New Zealand in Bougainville in 1997 ("peace by peaceful means") has reportedly become an ingrained theme of Bougainville's political culture.

More generally, New Zealand has contributed to United Nations and international peacekeeping in many conflict zones. It played a major role in securing the primary conflict zone in the south of Timor-Leste after the violence that followed the popular consultation in 1999, and since 2006 has been a major contributor to the International Stabilization Force. It continues to play an important role in the Pacific Islands Forum's Regional Assistance Mission in the Solomon Islands. In all areas in which they operate, New Zealand troops, police and civilians have sought to be trusted, culturally sensitive and effective peace practitioners. New Zealand's Treaty of Waitangi heritage is a key part of its approach as seen in the ceremonial haka (challenges) and songs that distinguish the military and police personnel of New Zealand. There is a commitment to doing peace work well. New Zealand has also contributed to mediation and humanitarian work through the Mediation Support Unit of the United Nations and in other international organizations and NGOs.

Norway

[Original: English]

Mediation as a tool for peacemaking — lessons from Norway's experiences

The policy of Norway in the field of mediation is based on the notion that it is better to engage than to isolate. Engagement means seeking to understand the dynamics of the conflict and political grievances, and — if the conditions are right — facilitating a political dialogue. The exclusion of groups relevant to the conflict dynamic is seldom a viable option in order to move mediation efforts forward, and rarely leads to sustainable peace.

Mediation requires a lot of specific knowledge about a conflict, but it also requires a knowledge base that a mediator can use in any given setting. Norway has made a targeted effort to enhance theoretical and empirical knowledge through broad support to research and academic cooperation in the field of mediation. In practical terms, the approach of Norway to mediation is based on the notion of mediation as a specific field of operation in its foreign policy. This has resulted in, among other things, the establishment of a separate entity in the Ministry of Foreign Affairs — the Section for Peace and Reconciliation — where people with experience from a variety of mediation processes are gathered. The aim is to build a solid base of knowledge.

The Norwegian experience is also based on a willingness to channel financial resources into the area of peacebuilding and mediation. Those funds are used to

establish and support a variety of networks and strategic partnerships around the world. In addition, Norway supports a number of civil society organizations.

Qualities of a mediator

The main tool of a mediator is dialogue, based on trust, with the parties to a conflict. This should, however, be based on the fundamental acknowledgement that the parties themselves own the process and the results.

The success of mediation efforts is contingent on all the involved parties' showing a genuine will to talk and on their acceptance of the facilitator. Striking the right balance as a mediator is a key factor to success.

A recurring challenge for the mediator is to balance transparency and confidentiality in dealing with the parties. Free and unrestricted access for the facilitator to the parties is fundamental. At the same time, it is important not to let the parties take advantage of the issue of access in an effort to delay forward movement. The mediator should remain impartial.

The mediator should strive to establish an understanding with both parties as to his role. Preferably, this understanding is reflected in a document that the mediator can share with the parties. In practice this would be a working paper, since it will normally undergo changes as the process moves forward.

In terms of the specific attributes of a given mediator, it all depends on the setting and the conflict dynamics. The experience of Norway represents the notion of the mediator coming from far away from the conflict and without particular historical connections. In other cases, it might be preferable to have a mediator from the region or subregion of the conflict. Sometimes it is better to have a high profile mediator, such as a former minister or head of State, but in other cases it is better to have low profile individuals.

Key attributes of an effective mediation process

The early steps of a mediation process will be defined by exploring the possibilities. The role of the facilitator is to build trust with all parties. The primary role of the mediator is to ensure a secure, confidential, practical and trusted environment for talks to take place. Mediation is done in close consultation with the parties on process and substance.

As talks advance and become more specific and detailed, the parties will sometimes need advice from external experts. This might relate to security arrangements, such as ceasefires, the disarmament, demobilization, reintegration of prisoners, or to more political and legal issues, such as constitutional affairs, power-sharing, elections, management of natural resources, and how to deal with the past. There are available resources to draw on, both within State structures, in international organizations, such as the United Nations, the African Union, the Organization of American States, as well as in national and international civil society and among individuals with a proven track record.

The facilitator should also be ready to employ — directly or indirectly — other international actors in the dialogue. A dominant regional or global actor, an international organization or an existing judicial mechanism may have particular

leverage with one or both parties, and this leverage should be identified and employed wisely within the mandate of facilitation.

What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

In many cases, a robust mandate of a mediator, for example anchored in the United Nations (Security Council resolution or otherwise) is an advantage. When the mediator is a representative of the international community, he or she will have additional weight.

In cases where there are a number of actors involved in mediation, it is often useful to have formal or informal venues for an exchange of views and experiences. The United Nations, or often the United Nations country team/Department of Political Affairs, can often provide such venues.

In recent years we have seen a stronger engagement in conflict resolution from regional actors. The latter are often better equipped to understand local conflict dynamics and politics. They can sometimes exert direct pressure on the parties to advance the negotiations. Thus, there is a strong case for strengthening local and regional mediation capacity. The African Union has taken important steps in this regard, and other regional organizations are doing the same. This is an encouraging development.

With a growing number of actors in the field of mediation, coordination and cooperation is becoming increasingly important. However, we must ensure that efforts to strengthen mediation coordination through the United Nations and regional organizations do not result in a monolithic structure that strangles flexibility and agility. In our experience, small and/or soft powers — as well as NGOs — can sometimes be more effective than larger organizations and States. In some contexts they may be seen as less intimidating by the parties and may provide them the privacy needed for a sensitive political discussion.

While coordination is important, the experience of Norway also shows that there is a need to strike a balance between coordination and flexibility.

What are the vital elements of a successful peace agreement?

A successful peace agreement will normally need to be comprehensive in order to succeed. It will need to create win-win situations. An asymmetrical peace agreement in which one party to the conflict dictates the terms and content might fail to provide a lasting solution. If important aspects of the conflict are left outside the peace agreement, it is more likely to fail. Deep-seated grievances, such as political representation or economic imbalances, must somehow be addressed, or must be perceived to be addressed, in order for a peace agreement to succeed.

A successful peace agreement should include all major groups relevant to the conflict. This entails the inclusion of the needs and views of non-fighting groups.

As mediation must be an inclusive process if it is to succeed, the inclusion of women is one of the vital elements for a successful peace agreement. While women account for 50 per cent or more of the population in most societies, they are rarely represented in peace negotiations. General Assembly resolution 65/283 stresses the importance of women's representation in peace processes, and it encourages the

Secretary-General to appoint more women as chief mediators in United Nations peace processes. The role played by civil society and NGOs are also important to ensure that most or all grievances are addressed when tough compromises are made. We have unfortunately seen too many examples of the failure of peace accords owing to the lack of inclusion of the needs and grievances of women as well as priorities and solutions. Now we have a new opportunity to get this aspect right.

How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

Long-term engagement is critical. In order for the mediation efforts to contribute to the effective implementation of a peace agreement, the facilitator should be in a position to offer coordination of support from the international community to a peace process when it is eventually under way. In addition, the international community should be ready to get involved politically and economically in the long term, including after a peace agreement has been reached. A peace agreement will often contain mechanisms for delayed implementation of certain provisions or even have mechanisms for delayed decisions on particularly disputed elements. The facilitator should be at hand throughout this period to assist in stabilizing the post-conflict situation.

Philippines

[Original: English]

Qualities of a good mediator

- A mediator must be candid, accurate and impartial. The parties to an ongoing dispute, or participants in mediation, must feel assured that the mediator does not side with either party, and does not put the interests of the parties on unequal footing;
- A mediator must have an appreciation for and deep knowledge of diplomacy as well as international relations. Tactfulness and effective communication skills are fundamental. This also entails that the mediator become attuned to the customs and social norms of the parties. Awareness and observance of the recognized rules of protocol, administrative policies, applicable procedural rules, ethical standards and, whenever necessary, pertinent statutes with respect to agents of parties or governments;
- A mediator must always provide clear direction to the discussion and assert calls to order when necessary to keep the discussion on track. A mediator also takes note of the past patterns of communication between the parties to ensure continuity and to address any misunderstandings;
- A mediator must endeavour to acquire a good working knowledge of the root of the conflict.

Key attributes of an effective mediation process, including during the design and implementation stages

An effective mediation process needs to be mutually voluntary and consensual for both or all parties involved. Trust between parties must be at the core of any

attempt to resolve conflict peacefully. Thus, each party must enter into a mediation process in good faith, adopting positions that allow for compromise and flexibility.

The process also needs to be comprehensive, covering all layers of interest of all parties and answering all issues in the disputes. The following are some basic principles of a mediation process that promotes fairness and empowerment:

(a) *Principle of subsidiary* — all complaints must be resolved amicably at the lowest level possible;

(b) *Confidentiality* — all actors involved in the case, including the mediators, the secretariat, and the parties themselves, must keep the information derived therefrom confidential during the mediation process;

(c) *Impartiality* — a mediator must maintain impartiality throughout the process. When the neutral's impartiality is in question, the neutral must decline to participate in or must withdraw from the mediation process; the secretariat will designate another neutral if the parties desire to continue the mediation process;

(d) *Transformational* — the aim should be that mediation skills become a core qualification of managers and practitioners at all levels. The use of non-adversarial skills in communication should be encouraged, whether in conflict situations or not;

(e) *Gender sensitivity* — the mediation policies and procedures must affirm gender equality and be free of discrimination;

(f) *Promotion of peace* — the mechanism must promote a healthy workplace relationship and adhere to principles of peace.

Progress during discussions would be easier to attain if there are clear terms of reference for the conduct of negotiations. Terms of reference should be embodied in a written instrument and recognized as binding on both parties.

Most importantly, there must be an effective ceasefire on the ground. A joint monitoring mechanism by the parties, as well as third-party monitoring from the international community, would effectively ensure that hostilities do not erupt during the conduct of the mediation.

Important considerations for the effective cooperation between different third-party actors involved in a mediation process

At the onset, parties must be prudent in their choice of State third-party observers to avoid being unduly influenced by interests external to the peace process. The goals of the peace process must have the common interest of the negotiating parties at the forefront. Thus, third parties must be mindful of their role as observers and monitoring bodies; their credibility in these functions should not be compromised by perceptions that their presence in the mediation process is for the furtherance of their own interests.

The observance of confidentiality is also essential. Certain non-State third parties participate in or observe several peace processes globally. While this affords them unique perspectives that span several jurisdictions, and these perspectives can contribute to the mediation process, measures must be in place to ensure that confidentiality is properly observed.

Vital elements of a successful peace agreement

- A successful agreement needs to be durable, final and unconditional. It also needs to be specific so that there will be no question as to the implementation of the agreement. The agreement should also be evenhanded and balanced, making sure that concessions or action by one party are reciprocated by the other(s). The agreement should also be written in clear and familiar language, avoiding legalese. It should also deal with pending proceedings, if there are any that should provide for the future;
- A successful peace agreement engenders a sense of ownership over this instrument in both negotiating parties. This can be achieved by ensuring that the process of drafting is all-inclusive, with all the stakeholders being given the opportunity to participate;
- A peace agreement should contain provisions for normalization and reconciliation, which should incorporate disarmament, demobilization and reintegration. Fair transition mechanisms must be put into place. In order to operationalize the objectives contained in a peace agreement and to ensure continuity in maintaining those objectives, the written instrument would ideally be transformed into an enabling statute that addresses key concerns;
- A successful peace agreement also needs support from the public. Continued monitoring from international groups also promotes the accountability of all parties.

Continuous mediation efforts contribute to the effective implementation of a peace agreement

The process of mediation attempts to get to the level of the interest(s) of the parties. By doing this, demands can be translated into negotiable, interest-based solutions. The process is also aimed at healing relationships, thus making any agreement durable and long lasting. During the implementation of a peace agreement, it is important to continue the dialogue that was started during the mediation process, either through proceedings that will allow the parties to voice their issues and concerns, through the continuous practice of mediation or through the structure of interest-based negotiations.

The mediation process could evolve into an objective assessment mechanism administered by a third party or parties (by stages, as agreed upon in the peace process) to ensure that the peace agreement is implemented.

Romania

[Original: English]

1. Qualities of a good mediator

A mediator has to be highly perceptive — this represents a prerequisite for an accurate assessment of root causes of a conflict, as well as of the intrinsic characteristics of the disputing parties. The accuracy of the initial assessment constitutes an essential foundation for later endeavours and efforts to propose solutions. The perceptiveness of the mediator will ensure a precise reading of the

existing perceptions/misperceptions of the conflicting parties — a critical dimension to be considered in conflict mediation, given their potential impact upon the options available for crisis resolution. The professed grievances might not be the real ones, and therefore a long-lasting solution has to address the underlying issues. The mediator needs to be fully aware of such a situation in the process of formulating possible recommendations.

The impartiality and neutrality of the mediator are crucial characteristics, and they must be sustained throughout the entire process in order to generate and foster mutual trust and respect. A neutral approach, an all-inclusive judgement and the accessibility of the mediator are critical for building a beneficial dynamic of the mediation process, by overcoming barriers of local misperception and confrontation. Topics must be approached with a supportive demeanour and a "problem-solving" orientation, which is crucial to building bridges between conflicting parties and laying the foundation for a long-term process of reconciliation and reconstruction.

The mediator should be proactive, keep the parties engaged and help devise creative and innovative approaches towards a settlement. Patience should be combined with efforts to maximize favourable opportunities to press the parties towards agreement.

The mediator should manifest sustained interest and attention, as well as deep knowledge of all aspects of the conflict.

2. Main characteristics of an efficient mediation process

The political will of the parties to end the dispute through peaceful resolution is the main prerequisite for a successful mediation. Devising opportunities and reframing the context in order to foster political will and sustain momentum when the window of opportunity arises are important sequences, especially in a long-term process.

A vital characteristic to be embedded in an efficient mediation process is the cooperation and coordination of the parties. This is critical, as many actors might be involved in the same effort, and a unified message enhances overall efficiency. Cooperation and coordination among various parties must be the underlying theme throughout the entire process of mediation. The inclusion of all parties through consultations is critical to ensure early support and availability to participate in the process.

The mediation process should be supported by the international community, either through regional and subregional organizations or direct involvement of the United Nations, on a case-by-case approach. The involvement of major political actors could be beneficial in certain instances.

There should be a swift reaction to the rise of a dispute, and a mediation process should be quickly set up. The conflict should not be allowed to entrench itself and become a modus vivendi for the parties.

3. Essential factors for efficient cooperation between third parties

A comprehensive plan to involve all stakeholders, taking into consideration the impact of each solution on other parties/situations, will prevent unintended

consequences, while generating ownership on the part of all concerned. All relevant actors must be consulted and informed.

NGOs and civil society should play a key role in ensuring a comprehensive approach in initial assessments and a thorough planning and a smooth transition from the military to civilians. Neighbouring countries and communities should be involved in support of the mediation process and the subsequent peace agreement/settlement.

A more subtle but equally important actor is the regional/subregional organization. The mediator has to evaluate the proper balance between the advantages and drawbacks of the involvement of such organizations. While the participation of regional organizations in the mediation efforts would ensure regional ownership, the mediator must ensure that they are not (directly or indirectly) part of the root cause of the conflict and that they have the capacity to engage themselves constructively in the mediation process. The United Nations should be the overarching entity to ensure legitimacy to the process and endorse the outcome of the mediation. In addition, the United Nations should provide a database with information necessary for the success of the process.

4. Key elements of a peace agreement

All parties involved should agree with the outcome of the mediation process. Furthermore, each party should prepare their constituencies for peace. The population has to understand, accept and support the ending of the conflict and the settlement.

The mediator should manifest caution throughout negotiation of the peace agreement with regard to elements of the agreement that have the potential to unravel at a later stage (e.g., amnesty for war crimes). Special attention should be paid to the need for justice to be carried out fairly for all involved.

The agreement should be comprehensive. The solutions must take into account all grievances, perceived or underlying, and all political, economic, cultural, social and religious aspects. Partial solutions devised for certain issues have to bring both short- and long-term incentives to the parties in order to ensure their commitment.

5. How a follow-on mediation effort could contribute to the success of the peace agreement

Arrangements for a follow-up implementation mechanism of the peace agreement would ensure a long-term common vision and engagement, thus undermining zero-sum games.

Reconstruction measures supported by the international community should be envisaged, if necessary. The political will to follow-up with reconstruction and reconciliation efforts is paramount, and benchmarks to evaluate progress have to be considered.

Confidence-building measures should be sustained, particularly after the resolution of the conflict. Specific guaranties must be envisaged to ensure a lasting agreement. A flexible outlook of the agreement that allows for future updates to accommodate evolving situations on the ground should be considered, and perhaps even a provision for periodic review could be foreseen.

Russian Federation

[Original: Russian]

Mediation work by the Russian Federation

1. Mediation efforts by the Russian Federation to resolve the Nagorny Karabakh conflict

Over the past two decades, the Russian Federation has played an active role in resolving the Nagorny Karabakh conflict. The cease-fire regime that was established on 12 May 1994 thanks to the Russian Federation's peacekeeping efforts, and further bolstered by the agreement of 4 February 1995, has been maintained — some sporadic hostilities notwithstanding — through the efforts of the parties themselves, without the involvement of international peacekeeping forces.

By agreement between the parties, the negotiation process has remained confidential, up to and including the achievement of an agreement on the positions under discussion. Nine meetings between Robert Kocharian (the then President of Armenia) and Heydar Aliev (the then President of Azerbaijan) took place between 2003 and June 2007. Among these was a meeting on 16 September 2004 in Astana, in which Vladimir Putin (President of the Russian Federation) participated, during which the parties achieved understanding on most positions.

Over the period from 2009 to 2011, the Presidents of Azerbaijan, Armenia and the Russian Federation discussed the Nagorny Karabakh issue at nine meetings.

During the joint work, there was a gradual convergence of the parties' approaches on key aspects of the document on basic principles for the Nagorny Karabakh settlement, designed to serve as a just and balanced basis for the preparation of a comprehensive peace agreement. At the same time, a number of sensitive issues remain in dispute, with compromise language yet to be found.

The Russian Federation has been carrying out its mediation activities in close contact with the United States of America and France, in the context of the co-chairmanship of the Minsk Group on Nagorny Karabakh of the Organization for Security and Cooperation in Europe (OSCE). The participation of international mediators has been an important calming and stabilizing factor ensuring that the negotiations on a Nagorny Karabakh settlement get under way and move forward.

The troika's common views on key issues relating to the Nagorny Karabakh conflict are reflected in the joint statement by the Presidents of France, the Russian Federation and the United States of America, drafted in Deauville in May 2011. The troika's collaboration clearly demonstrates that cooperation in international conflict settlement is both possible and necessary.

At the meeting on the issue in Sochi on 23 January 2012, both Azerbaijan and Armenia expressed their willingness to step up work to achieve an agreement on the basic principles for a settlement to the Nagorny Karabakh conflict. This expression of willingness served as confirmation of the parties' determination to continue the peace process.

2. Mediation efforts by the Russian Federation to resolve the Georgia-Abkhazia and Georgia-Ossetia conflicts

Resolution of the Georgia-Abkhazia and Georgia-Ossetia conflicts was achieved thanks to the Russian Federation's peacekeeping efforts, which have been highly commended by both the United Nations and OSCE.

South Ossetia

Boris Yeltsin (the then President of the Russian Federation) and Eduard Shevardnadze (the then President of Georgia) signed an agreement on principles for the settlement of the Georgia-Ossetia conflict in Sochi on 24 June 1992. In accordance with the agreement, a peacekeeping operation began in South Ossetia on 14 June 1992, with joint peacekeeping forces consisting of Russian, Georgian and Ossetian battalions deployed in the conflict zone.

A Joint Control Commission to settle the Georgia-Ossetia conflict was also created under the Sochi Agreement.

On 5 November 2004, a meeting took place in Sochi between Prime Minister Zurab Zhvania of Georgia and President Eduard Kokoity of South Ossetia, with the Russian Federation serving as mediator. An outcome statement was signed which, inter alia, strengthened the ceasefire and formalized the intention to withdraw all armed groups remaining in the conflict area, except the joint peacekeeping forces.

During a meeting of the Joint Monitoring Commission from 27 to 29 March 2006 in Vladikavkaz, a crucial decision was reached to establish a group in the framework of the Joint Monitoring Commission to develop a joint programme of action on resolution of the conflict.

At a meeting of the Commission from 11 to 13 May 2006 in Tskhinvali, the composition of that working group was approved. It was also entrusted with preparing proposals for the format and content of a Georgian-Ossetian document on non-resumption of military actions and security guarantees.

On 14 June 2006 in Brussels, under the auspices of the Belgian OSCE Chairmanship and with the support of the Joint Monitoring Commission, a South Ossetia donors' conference was held, with representatives of more than 40 countries and a number of international organizations participating. During that conference, OSCE participating States approved the allocation of 7.82 million euros for social and economic rehabilitation projects in the Georgia-Ossetia conflict area. The Russian delegation announced that the Russian Government was considering allocating 100 million roubles (3 million euros) in assistance for South Ossetia, in addition to the 130 million roubles (some 4 million euros) already allocated. Pursuant to that pledge made in Brussels, seven projects directly financed by the Russian Federation have been carried out at a total cost of more than 110 million roubles.

Abkhazia

On 14 May 1994, Georgia and Abkhazia signed a Ceasefire and Separation of Forces Agreement, with the Russian Federation serving as mediator. On the basis of that document and a subsequent decision by the Council of Heads of State of the Commonwealth of Independent States, Commonwealth collective peacekeeping

forces were dispatched to the conflict area in June 1994. Their duties included maintenance of the ceasefire regime.

A Group of Friends of the Secretary-General on Georgia was established in 1994, with France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America participating. The Russian Federation's status as facilitator was also formalized by a Security Council resolution.

The Coordination Council of the Georgian and Abkhaz Parties, chaired by the Special Representative of the Secretary-General, was established in 1997, with the Russian Federation, representatives of the United Nations, OSCE and the Group of Friends participating.

Starting in February 2003, high-level meetings of representatives of the member States of the Group of Friends were held, chaired by Under-Secretary-General Jean-Marie Guéhenno. France, Germany, the Russian Federation, the United Kingdom and the United States of America participated.

On 6 and 7 March 2003, President Putin of the Russian Federation and President Eduard Shevardnadze of Georgia met in Sochi. Abkhazia also participated, with Prime Minister Gennady Gagulia heading its delegation. During a visit by Mikheil Saakashvili (President of Georgia) to Moscow in February 2004, the parties' desire to accelerate implementation of the 2003 Sochi agreements was formalized.

On 15 May 2006, the Coordinating Council, inactive since 2001, was revived. The Russian Federation participated in it as facilitator along with the United Nations, OSCE and other members of the Group of Friends of Georgia.

3. Mediation efforts by the Russian Federation to settle the conflict in the Dniester region

Since 1992, the Russian Federation has been participating as a mediator and contributor to peacekeeping forces to resolve the conflict between the Republic of Moldova and the Dniester region. The Dniester region has declared its independence, but has not been internationally recognized.

The Russian Federation played a key role in disengaging the parties to the conflict at a time when there were armed clashes resulting in civilian casualties and severe humanitarian consequences.

The Russia-Moldova Agreement on principles of peaceful settlement of the armed conflict in the Dniester region of the Republic of Moldova, signed on 21 July 1992, contained, in addition to agreements by the parties to cease armed attacks against each other and to establish monitoring bodies in the security zone that was established, important provisions that set the conditions for an immediate transition to a peaceful settlement of the conflict.

The requirement of strict respect for neutrality by the divisions of the fourteenth army of the Armed Forces of the Russian Federation deployed in the Republic of Moldova was duly enshrined, as was the requirement that the warring parties should respect that neutrality.

The primary role of the Russian Federation in resolving the conflict has significant legal underpinnings and far-reaching historical roots. Among these are the large Russian-speaking population on both banks of the Dniester river, including Russian citizens (as many as 160,000 in the Dniester region), and also major business interests in the region, based on many decades of industrial cooperation.

From the very outset, the Russian leadership has focused on maintenance of stability and security in the region and reinforcement of the sovereignty of a neutral, multi-ethnic Republic of Moldova, which has long-standing traditions of friendship.

The signature on 8 May 1997 in Moscow of the OSCE Memorandum on the principles for the normalization of relations between the Republic of Moldova and the Dniester region, with the participation of the heads of State of the Russian Federation and Ukraine, the leaders of the parties to the conflict and the acting Chair of OSCE, was an important breakthrough. The Moscow Memorandum mentions the parties' intent to develop their relationship "in the context of a common State within the January 1990 borders of the former Soviet Socialist Republic of Moldavia."

At the initiative of the Republic of Moldova and based on the Moldovan leadership's stated readiness to amend the 1994 Constitution and establish a federated State, the Russian representatives assisted the parties in reaching and initialling, in the autumn of 2003, a memorandum on the basic principles of the government system in a unified State. The Dniester region accepted the principle of an asymmetric federation that would guarantee the region's special status as an entity within a federated State. (The same rights would also have been accorded to Gagauzia.)

As a sponsor of the settlement accepted by the parties, Moscow offered its military and political guarantees to the parties with the possibility that other countries might join them as well. Ukraine, a mediator in the negotiations, fully supported Moscow's initiative. However, the President of the Republic of Moldova withdrew his agreement to sign the Memorandum and, on 24 November 2003, the OSCE secretariat published a statement recording that among its members "there is no consensus in support of the arrangement."

The leadership of the Russian Federation continued its efforts to maintain political dialogue with representatives of the Republic of Moldova, rebuffing attempts to present the Russian position as "supporting separatists," or to interpret it as "deliberately dragging out the conflict." Moscow took similar steps to preserve stability with regard to the administration in Tiraspol.

In September 2005, a document entitled "Primary strategic and tactical approaches to a resolution of the Dniester region conflict (road map)", containing the intermediaries' proposals and recommendations, was presented for the parties' consideration.

Through significant efforts on the part of the Russian mediation team, a halt was put to Chisinau's intentions to place the economy of the region under its own jurisdiction without regard for the unresolved political conflict and the risks of destabilizing the Dniester situation.

Not until March 2009 was a document on the parties' intentions to establish conditions for reviving negotiations agreed to in Moscow, with President Medvedev

of the Russian Federation mediating. This was the first time in six years that such an agreement had been reached.

The Russian mediation team actively participated in official negotiations as part of a regular meeting on political issues relating to the Dniester region conflict, held in a 5+2 format (the parties to the conflict, the Russian Federation, Ukraine, OSCE, and observers from the European Union and the United States of America), and also supported parallel steps to restore trust between the parties to the conflict.

The Russian Federation's openness to the parties to the conflict, its coordination of positions with its partners and its readiness to accept the good offices of concerned member States of the European Union have all lent impetus to efforts to achieve a settlement and preserve the constructive spirit of the negotiations.

A decree issued by the newly re-elected President of the Russian Federation on 7 May 2012 on measures to implement foreign policy strategy confirmed the approach to which the Russian mediators had strictly adhered in matters related to the Dniester region, which is "to continue to participate actively in the quest for a resolution to the Dniester region conflict on the basis of respect for sovereignty, territorial integrity and the neutral status of the Republic of Moldova in determining the special status of the Dniester region."

The current peacekeeping operation, which has a most unusual format, with the involvement of military contingents from both parties to the conflict, has become a starting point for the political settlement and now serves as a link between the provision of security for the public in the region and the maintenance of conditions needed for peace negotiations.

4. Role of the Russian Federation in the negotiations to resolve the intra-Tajik conflict

Peacekeeping in Tajikistan would be impossible absent the vigorous and concerned participation of the Russian Federation, which from the outset has had and continues to have a direct interest in the speedy political resolution of the internal Tajik conflict and complete normalization of the situation in the country. The United Nations, the observer States of Afghanistan, the Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, Pakistan, Turkmenistan and Uzbekistan and international organizations such as OSCE and the Organization of the Islamic Conference have played an important role in this process.

The Russian military presence has had a significant stabilizing effect and prevented the military conflict from spreading. The Russian Federation has incurred heavy expenditures related to the maintenance of the 201st Motorized Rifle Division and the Border Patrol Group in Tajikistan that far exceed those of all other States combined. Given how the situation is unfolding in the region, particularly in Afghanistan, this engagement remains of key importance right up to the present day.

A key element of the approach taken by the Russian Federation to the negotiation process and its work with the negotiation participants was its decision to employ exclusively political means in resolving existing differences and to engage in constructive interaction with other countries and international organizations interested in a political settlement in Tajikistan.

The President and Prime Minister of the Russian Federation, deputies of the State Duma, ministers, the administration of the Head of State, the Security Council of the Russian Federation, Russian diplomats and the heads of Russian military bodies in Tajikistan have been directly involved in the peace process.

The Russian Federation's participation in resolving the internal conflict in Tajikistan has been multifaceted. First, it facilitated intra-Tajik negotiations and, starting in the second half of 1997, the Russian Federation became one of the countries serving as a guarantor of implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan. Second, it worked to guard the Tajikistan-Afghanistan border, as it is the border of the Commonwealth of Independent States. Third, the Russian Federation emerged as the dominant contributor to the collective peacekeeping forces.

The President of the Russian Federation launched an initiative to host a summit of Heads of State and Government of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan on the situation in Tajikistan, which took place in Moscow on 7 August 1993. At that meeting, leaders emphasized that the main task was to achieve a political settlement, and they urged the international community to support such efforts. At that same gathering, the Government of Tajikistan declared its intention to foster dialogue with opposition forces.

In connection with the troublesome situation on the border between Tajikistan and Afghanistan, additional military measures, duly coordinated with Tajikistan, were taken jointly with those Central Asian countries that are members of the Commonwealth of Independent States. Pursuant to a decision of 24 September 1993 of the Council of Heads of member States of the Commonwealth, collective peacekeeping forces were formed in Tajikistan, consisting of troop contingents from the Russian Federation, Uzbekistan, Kazakhstan and Kyrgyzstan.

The first round of intra-Tajik negotiations under the auspices of the United Nations took place in Moscow in April 1994, culminating in the signature on 27 June 1997 in Moscow of the General Agreement on the Establishment of Peace and National Accord in Tajikistan.

The Ashgabat round (July 1996) marked a turning point in the negotiations. It was during that round that the then Minister for Foreign Affairs of the Russian Federation, Evgeny Primakov, in Turkmenistan on a working trip, mapped out the political arrangements underpinning the Protocol on the Main Functions and Powers of the National Reconciliation Commission (Moscow, 23 December, 1996), the Statute of the National Reconciliation Commission (Mashhad, 21 February 1997) and the Protocol on Political Questions (Bishkek, 18 May 1997).

The Protocol on Military Questions, a key document, was signed in Moscow in March 1997.

At the same time, the Russian diplomatic corps engaged in intensive contacts with countries and international organizations serving as observers at the intra-Tajik negotiations. There was particularly close and constructive interaction with the United Nations and the Islamic Republic of Iran. The latter's contribution to the peace arrangements was incontestable.

Much was achieved jointly with Afghanistan as well. As a result of Russian-Afghan negotiations in September 1996, a 25-kilometre security zone was set up

along the Afghan-Tajik border. This contributed to the achievement of the Khusdeh Agreement (December 1996) between President Rahmon of Tajikistan and the leader of the United Tajik Opposition, Said Nuri, which brought military actions in Tajikistan to an end.

The role of the collective peacekeeping forces in Tajikistan, of which the Russian troop contingent formed the backbone, is deserving of special mention. Although the peacekeepers did not participate directly in combat, their presence and constant readiness had a calming effect on some of the more incendiary stakeholders. Both parties to the conflict responded appropriately to the forces, which acted in close contact with the leadership of the Republic and the opposition, the United Nations observer mission and OSCE. They conducted a number of successful operations, such as accompanying United Tajik Opposition fighters returning from Afghanistan to Tajikistan and provided significant assistance with the return of refugees and the delivery and distribution of humanitarian aid to the people of Tajikistan.

The concluding round of negotiations, during which the General Agreement on the Establishment of Peace and National Accord in Tajikistan was signed, took place in the Russian capital on 27 June 1997, with the President of the Russian Federation in attendance. As was noted in the Moscow statement signed by Rahmon and Nuri, "after five years of civil strife that have marked one of the most tragic chapters in our country's centuries-long history, the long-awaited day of hope and faith in reason has arrived."

Following the signing of the General Agreement, the National Reconciliation Commission and the contact group consisting of representatives of guarantor countries were able to begin their work. With that, the intra-Tajik settlement entered a new phase of post-conflict peacebuilding.

Slovenia

[Original: English]

Introduction

Slovenia is committed to mediation as a means of peaceful settlement of disputes, and conflict prevention and resolution. As a member of the Group of Friends of Mediation, Slovenia will continue to strive towards the successful implementation of General Assembly resolution 65/283 on strengthening the role of mediation, adopted on 22 June 2011. In this context, Slovenia would like to highlight the central role of the United Nations and all endeavours towards successful mediation undertaken by the Organization. In mediation, Slovenia would like to draw particular attention to the importance of cooperation and capacity-building by regional organizations and local communities, the significance of the rule of law as a precondition for successful peace negotiations, as well as the importance of addressing human rights in a timely and effective manner as one of the best investments in peace by preventing and avoiding conflicts. Human rights considerations need to be part and parcel of any mediation efforts. The importance of mediation and early conflict prevention was clearly and sadly proven in the immediate neighbourhood of Slovenia, namely the western Balkans.

Regional cooperation

By focusing on prevention as one aspect of mediation, we would like to stress the importance of the regional dimension. The effective and timely prevention of conflict through the use of the knowledge and capacities of regional and subregional organizations can play an effective role on the ground. Such organizations have comparative advantages in taking the lead or playing a complementary role in the prevention of and mediation in conflict resolution in general.

Regional cooperation is crucial when using and developing mediation capacities. The United Nations must above all promote closer cooperation with and among regional organizations with a view to advancing the use of existing expertise. Regional and subregional organizations and other key regional players have a vital role to play in maintaining international peace and security, as their cooperation with the Security Council can have a considerable effect on the implementation of its resolutions. Chapter VIII of the Charter of the United Nations is therefore gaining ground through burden-sharing within the prevention-resolution-rebuilding processes. Supporting the strengthening of institutions and capacity-building through regional cooperation is crucial. Building from its experience in its own region, Slovenia will aim to promote better coordination among such organizations in this regard.

European Union member States discussed conflict prevention at the Foreign Affairs Council meeting, held in Luxembourg on 20 June 2011. The discussions on early action resulted in a crucial conclusion that: "one form of early action is mediation: the European Union will build on the Concept on Strengthening European Union Mediation and Dialogue Capacities of 2009 and strengthen mediation capacities by providing support and training to mediators and their staff and increase their readiness. The European Union will continue to support local, regional, international partners, relevant non-governmental organisations and institutions for conflict prevention and resolution and the strengthening of peace efforts, as appropriate." We have therefore undertaken to provide political and financial support to mediation activities. We are pleased to see that other regions are taking on similar commitments.

Rule of law

Slovenia firmly believes that the peaceful settlement of disputes as enshrined in Article 2 and Chapter VI of the Charter of the United Nations is essential for maintaining international peace and security. If properly exercised, mediation can be a very efficient tool; yet there have also been several examples where mediation efforts have failed. The international community must therefore learn from past experiences and gather best practices. In recent years, much has been done to assist parties seeking to resolve their disputes by mediation, in particular within the United Nations system. It is vital that the process of mediation results in dialogue with all parties — States, organizations and civil society. Mediators should strive to re-establish peace based on the rule of law. We are convinced that the rule of law is a condition for sustainable peace and development at both the international and national levels. Properly functioning judiciary, law enforcement, governmental and legislative institutions are of paramount importance for enduring peace. Security and justice are therefore essential stepping stones in achieving the rule of law.

Finally, mediation cannot bring peace without justice. Accountability for mass atrocities must be part of the mediation process if long-lasting peace is to be established. Past experience has taught us that impunity for grave violations of human rights almost always leads to new conflicts and greater numbers of victims. We are pleased to see that international criminal justice has become an international focal point and we fully support the work of the International Criminal Court.

Human rights and non-governmental organizations

During its Presidency of the Council of the European Union in 2008, Slovenia took active part in various negotiations and facilitations within the framework of the Human Rights Council in Geneva and the Third Committee of the General Assembly in New York. Moreover, during its membership in the Human Rights Council (2008-2010), Slovenia took part in negotiations by addressing various human rights situations that were on the agenda of the Council as well as other thematic issues. At the Human Rights Council, Slovenia also had the opportunity to observe the mediation efforts undertaken by United Nations high representatives in various human rights situations, such as the provision of good offices, fact-finding missions, the work of the special rapporteurs of the United Nations High Commissioner for Human Rights, etc. The concept of mediation can thus be further elaborated and highlighted at different forums dealing with human rights, such as the General Assembly, including the Third Committee, the Human Rights Council, OSCE and the Council of Europe.

From the human rights perspective, mediation represents an important activity when addressing and preventing situations that may lead to tensions, escalation of conflict situations and, consequently, to massive human rights violations. Mediation is also closely linked with the concept of the responsibility to protect, in particular within the context of early action.

The presence and role of non-governmental organizations in conflict resolution are equally important. Mediators can benefit from the knowledge and information provided by human rights organizations working at the grass-roots level.

Slovenia attaches great importance to human rights education, which could represent another important preventive aspect of mediation, and also contribute to the building of trust and to tolerance, reconciliation, peace and security. As such, human rights education is crucial for both reconciliation and mediation. For that reason, we advocate the full inclusion of a human rights approach to prevention into ongoing and future mediation work.

When engaging in mediation, all aspects and consequences for all people and their everyday life should be taken into account. Gender equality must also be taken into consideration, which is in line with Security Council resolution 1325 (2000) and the 2010-2015 national action plan of Slovenia for the implementation of Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security, underlining the engagement of women in peace processes.

The integration of a gender perspective into all activities gives a new dimension and is essential to reach a solution that is truly peaceful. In any given conflict, one will find tremendously inspiring women who are involved in efforts to end conflict. Women are active participants in necessary efforts for reconciliation and the development of the rule of law in society. However, when it comes to

peacemaking, one still too often sees an all-male group behind the negotiation table or in new transitional governments. While there is clear improvement and we now find women among peace envoys, we hope this trend will continue through the appointment by the United Nations of more women as mediators and peace envoys.

Experience of Slovenia

Slovenia has gained valuable experience in mediation both as a subject of mediation and as a micromediator in peace operations and missions, paying particular attention to innovative approaches and solutions.

Rehn process

Slovenia has positive experience with mediation undertaken by the European Union as a regional organization in a highly politically sensitive border dispute between Slovenia and Croatia. Headed by Olli Rehn, the then-European Commissioner for Enlargement, mediation between Slovenia and Croatia, also known as the Rehn process, was launched on 21 January 2009. The Rehn process comprised six trilateral meetings of foreign ministers devoted to three different proposals put forward by Commissioner Rehn regarding the resolution of the border issue and two versions of his final proposal: Rehn 1 and Rehn 2. The mediation was concluded on 18 June 2009.

Slovenia sees Commissioner Rehn's mediation as a positive experience. The mediation succeeded in reconciling the positions of the two countries and providing, in the Rehn 2 proposal, the basis for the conclusion of the Arbitration Agreement between the two Governments, which was signed on 7 November 2009 in Stockholm and entered into force on 29 November 2010. The agreement was concluded under the auspices of the Swedish presidency of the European Union Council.

Micromediation — participation in peace operations and missions

Slovenia has gained some important experience in everyday micromediation in the context of peace operations led by diverse international and regional organizations. These micromediation cases mainly involve members of the Slovenian Armed Forces and Police who participate in peace operations and who use mediation to resolve and prevent escalation of local issues.

Our experience in peace operations shows that understanding of the situation in the field, knowledge of local languages and understanding of local customs and culture is indeed also very important for the success of mediation activities. A micromediator may also play an indirect role, particularly in cases when the negotiations between the parties to dispute and representatives of regional organizations are held at the highest level. Micromediation could be further developed through effective training and the exchange of good practices.

Spain

[Original: Spanish]

The General Assembly, by resolution 65/283, requested the Secretary-General, in consultation with Member States and other relevant actors, to develop guidance

for more effective mediation, taking into account prior experience in that domain. In response to the request submitted by the Secretary-General in follow-up to that resolution, Spain conducted a process of consultation both within the Government and with civil society, with a view to conveying to the Secretariat its vision and ideas on how to achieve more effective mediation.

As a founding member of the Group of Friends of Mediation formed in 2010, and also in its role as a co-sponsor of the resolution, Spain wishes to recall the observation in the Secretary-General's report (S/2009/189) that Member States and the Organization itself had devoted remarkably little attention and support to mediation. That lack of attention and support is despite the central importance that the Charter places on the peaceful settlement of disputes and despite the greater economic and human effectiveness of conflict prevention, rather than conflict resolution. Three years later we are moving in the right direction. Spain wishes to reiterate its commitment to this new stance. First, we should note our financial commitment, by way of contributions to the mediation fund. We also wish to stress our political commitment, both through our participation in the Group of Friends and in the discussions and meetings held to date. Finally, we now reinforce that commitment by responding to the Secretary-General's invitation to assist with drafting the report requested under resolution 65/283.

Before offering specific replies to the questions posed, Spain wishes to insist on three points. First, it is important to define the exact timing for mediation by identifying when a dispute or conflict is ripe for intervention. Second, we would stress the importance, when appointing both the leaders and members of a mediation team, of ensuring the requisite gender and regional balance, along with the professional qualifications and personal attributes of all concerned. Third, we would emphasize the important leadership role of the head mediator or perceived leader of the mediation team, while insisting on the need for such persons to be able to rely on well prepared professional teams with sufficient experience in the issues and region concerned, and also with extensive knowledge of the specific context.

We now proceed to the issues raised and, in this context, wish to highlight the role that Spanish civil society played in drafting our response.

United Nations questionnaire

1. What are the qualities of a good mediator?

Mediators should possess the necessary abilities and training, as well as the appropriate qualifications both for carrying out the mediation process itself and for promoting its viability.

As part of those qualifications, we distinguish between professional and personal qualities.

Personal qualities

- Ability to listen actively and to empathize fully with the parties
- Ability to analyse problems, to identify and separate the issues involved and to arrive at a relevant decision or solution
- Ability to use clear, natural language and to ask clear, direct questions

- Sensitivity towards the values being espoused and upheld by the parties, including matters related to ethnicity and gender, as well as personal or cultural differences
- Ability to handle insufficient, complex and at times confusing goals and information
- Presence and tenacity, along with the ability to remain committed to the process with honesty, respect for the parties and the capacity to establish and sustain control over a diverse group of people in conflict
- Ability to identify personal values and to separate them from the individual concerned
- Ability to remain neutral and objective in the face of pressure from the parties, balancing the power differential between them and continuing to show a genuine desire to help
- Ability to establish a relationship that shows interest in the different positions, and to connect with respect and empathy, without judgement or criticism
- Ability to communicate appropriately with the parties and to attempt to meet them on their level
- Analytical, reflective and open mind, along with imagination and boldness, so as to be able to offer the parties benefits commensurate with their expectations for participating in the mediation process
- Ability to convey credibility
- Equanimity as both a precondition for and guarantee of the foregoing qualities and the viability of the entire process. The firm belief in dialogue as a solution should ensure that those leading the mediation process are able to maintain a certain distance in the face of the difficult issues that may arise
- Personal discretion, since an over-prominent mediator risks distorting the process

Professional qualities

- Clear understanding of the nature and limits of the mandate
- Ability to identify the exact phase of the mediation, such as the pre-negotiation phase of a peace process, or its negotiation or implementation
- Detailed, multifaceted knowledge of the country where mediation is going to take place, in respect of its history, culture, economy and social structures
- Understanding of the motivations and interests of the actors with whom the mediation will be working, and also of their strong and weak points; in other words, awareness of the political topography of the situation in respect of the following:
    - o Those national actors with the capacity to stop or reactivate a war and their sources of logistical and financial support
    - o Those whom the perceived actors actually represent
    - o The invisible forces who form part of the conflict

- Those actors who are temporarily detached from the conflict but nonetheless retain sufficient power to derail the process
- Those elements of the international community which are involved, such as neighbouring countries, regional actors, de facto powers
- Those players, whether at the domestic or international level, who remain undecided, whether for or against the involvement of the mediator

• Humility: even though the lessons learned from other conflicts are important, not all conflicts are identical. It is important to make contact with ordinary people, to understand their needs and to ascertain their opinions without relying solely on official declarations and reports, and to learn about the reality of the country through its citizens

Along with those overall attributes, the mediator in an international conflict (whether an individual, an organization, a group or a State) should, without flaunting it, possess exhaustive knowledge of the political and legal international framework and should of course be intimately acquainted with the contours of every conflict at issue. In that regard, beyond objective data, the mediator should have assimilated the subjective viewpoints of all the parties to a conflict, since those perceptions determine their positions not only vis-à-vis the essential problems but also in respect of critical details (as is the case with purely terminological or semantic disputes) which, because they may appear trivial or insignificant, can escape the notice of an inexperienced mediator and thereby endanger the whole process. The mediator's required knowledge of international relations must include a solid cultural or intercultural understanding that will allow him or her to discern the semiotics of the cultural codes being employed by parties and thereby to maximize potentialities and avoid misunderstandings. Moreover, the mediator should also possess sufficient human and material resources along with external contacts and support to ensure that the process enjoys the requisite international prominence and momentum.

2. What are the key attributes of an effective mediation process, including during the design and implementation stages?

For a mediation process to be effective, assuming at least formal acceptance by the parties of the mediation and the mediator, two elements should be taken into account.

Building dialogue

Together with the mediator, the parties should establish ground rules at the outset of the process on the basis of which the following should be decided:

• Confidentiality of the mediation process: should the mediation be secret? Semi-secret? What approach should be adopted in respect of the media and third parties?

• Location of the mediation: should it take place within the country, outside it, in a secure place, in the countryside, at a resort, etc.?

• Format: should the parties negotiate informally, via negotiations held in plenary sessions, in working groups, with leaders meeting face to face, by mediating with the parties in separate sessions, etc.?

- Establishment of rules: should the mediator set the rules for the mediation? Are they negotiated beforehand by the parties within the framework of agreements reached prior to the mediation? Are they negotiated at plenary sessions by the parties, with working groups? Are they negotiated by the parties on the basis of suggestions from the mediators? Or are there no set rules?

- Frequency of mediation: there are several possibilities, ranging from a single session to establishing set periods between mediation sessions, which may vary depending on process and context.

- Agenda: how is the agenda set? Is it negotiated by the parties, by the mediator, or is there no agenda?

- Sequence of the mediation: does mediation begin with the cessation of hostilities? Are all the themes to be addressed in separate sessions while the working groups meet in parallel or is a working framework established first and themes identified later?

- Deadlines: should deadlines be established or not? If so, who decides them — the mediator, the parties, the contributing countries?

- Decision-making: how do the parties reach agreement? By the principle "nothing is agreed until everything has been agreed"? Or should agreements be negotiated one by one? If there are many actors, should agreements be adopted by sufficient consensus, by majority or by unanimity?

It is important to negotiate and decide each of the above points before beginning a mediation exercise, in order to ensure that the premises are clear to all those involved, or else to opt for leaving the process open. It is important that the parties make informed decisions with a clear idea of the consequences of those decisions so that they can choose the mediation process that best serves their interests.

Role of the mediator

The role of the mediator is fundamental in the process of mediation. Accordingly, certain decisions must be made:

- Mandate and goals: who authorizes the involvement of the mediator? What are the overall goals of the mediation process and who establishes them?

- Mediation team: where the structure of the mediation team is concerned, can mediators choose their own team? Should the mediator accept the team proposed by an institution? Should the team be large or small? Should outside experts be included if the mediation process seems to need them?

- Relationship with the media: what kind of relationship should the mediators and/or the parties maintain with the media?

- When should a mediator abandon the process? Questions may arise with regard to determining the degree to which a mediator should be flexible, the limits of his or her role, and whether a mediation should be terminated when there is a perception that the process is being manipulated or when no progress has been made

- Confidentiality: this guarantees that whatever is revealed during the process will not have public repercussions or consequences for any of the parties
- Economic support: the availability of necessary resources should be guaranteed
- Legitimacy of the mediator: this must be recognized by all parties
- Determination with regard to the goals to be achieved, which must be met to the satisfaction of all parties, along with flexibility during the different stages of the mediation.

3. What considerations are important for effective cooperation among third parties involved in a mediation process?

The participation of third parties is a key issue that can shape the structure of the mediation process. Although that should be a decision that belongs entirely to the parties, mediators can and should offer some suggestions in that regard, such as the creation of parallel forums, working with the sponsors of the mediation process to encourage broader participation, and so on.

The question we need to ask ourselves is: Who should participate in peace negotiations that are part of a mediation effort? All the parties involved that have decision-making power? All those involved, even those without decision-making power? Only the parties in conflict but with broader delegations that include members of civil society? The parties in conflict but in consultation with civil society? Solely and exclusively the leaders of the most important parties? The choice of one approach or another can be fundamental to the mediation process.

Another important issue is that of neighbouring countries, pressure groups and international organizations. How should the mediator relate to regional powers? Should mediators also involve international groups that also have interests in the process? If such groups are to be involved, they can either:

- Form a group of friends as observers of the process
- Form a group of friends that is regularly informed but not given a seat at the negotiating table.

Gender is a very important theme that should not be overlooked in a peace negotiation; the mediator should make sure that it is taken into account by all the parties. How, therefore, should gender issues be handled in a peace negotiation? In such instances, the mediator may:

- Employ a quota system to encourage the participation of women as delegation members
- Discreetly recommend that women be included in delegations
- Say nothing but ensure that gender issues are addressed during negotiations
- Organize a format that allows women to be included when gender issues are discussed.

Confidentiality

Confidentiality provides a stable working basis that can improve the relationship between all the parties taking part in a mediation process. The matter

should be discussed in depth at the outset of the process so that it is clear to all the parties involved. Confidentiality and trust should be reciprocal among all the parties and should be strengthened throughout the process in order to make the mediation productive. This is of particular importance in cases where the conflict has been engendered by a lack of trust.

Moreover, another essential quality in any mediation process is the impartiality of the mediator. That attribute is shown in the mediator's attitude and behaviour toward the parties. It should be noted that a large degree of impartiality is expected of the mediator; in other words, he or she should not display favouritism toward anyone and should remain neutral in respect of whatever outcome may result. The specific mediator chosen should inspire confidence among the parties, since mediators are often the only depositary of trust among antagonists who initially harbour only mutual suspicion.

4. What are the vital elements of a successful peace agreement?

Established theory says that for a peace treaty to be successful it needs to be crafted by the parties involved, and should clearly define what each party stands to gain from the agreements reached. In addition, a successful treaty should also produce:

- Sense of ownership of the agreement, so that all parties feel that it belongs to them and make it their own
- Awareness of the process
- Mutual recognition and respect among the parties
- Commitment to the process
- Understanding of the mourning processes
- Clear alignment of the facts and placing them in their proper context.

In practice, and owing to experience and lessons learned from previous mediation processes, not all of which led to agreement, we know that it is difficult to consider a peace agreement 100 per cent successful; often, a conflict that has apparently been resolved can continue to evolve and morph into another. Frequently, agreements reached by the parties are simply never implemented owing to circumstances that evolve after a mediation process has been concluded.

That is why we can speak only of lessons learned, which may perhaps teach us to work differently in future mediations. Even then, they may still not be 100 per cent successful.

There are a number of factors that can lead mediation towards a successful peace agreement.

Context

- Conflicts need to be ripe for resolution; in other words, the parties should have arrived at a dead end with no victory in sight and should believe that mediation is a plausible exit strategy
- It is vital that there be a real balance of power between the parties. Mediation is more effective when the parties are on an equal footing

- Leaders who take part in the mediation process must have real legitimacy, and the parties and/or factions that they represent must be united and must accept those leaders.

Mediators

Along with the qualities mentioned earlier, a mediator should:

- Make limited use of the carrot and the stick. Excess use of coercive or punitive action by the mediator can undermine the mediator's ability to build a credible and smoothly flowing process. The carrot and stick should be a tool for other parties or for "friends" of the process
- Be capable of carrying out a range of jobs, from leading the process, to providing knowledge and experience, to supporting, hosting or taking part in a group of friends, to preparing budgets, etc.
- Be prepared and willing to withdraw if necessary.

Moreover, experience has shown us that, in the final analysis, it would be a mistake to emphasize or stress the impartiality or neutrality of the mediator. The parties accept a mediator not so much for his or her impartiality but for that person's ability to influence, protect or expand their interests.

Mediation process

- The primary role of the mediator is to define and defend the process, not its content
- The mediator must be prepared for great complexity. Today, the parties to a conflict may be accused of a lack of social vision
- Mediation processes are by nature disorderly. They do not move in a straight line, but rather back and forth. They are very flexible processes that require those involved to adapt to the complexity and evolution of the conflicts at stake
- Mediation processes should not attempt to resolve a conflict too quickly; conflict resolution is neither easy nor quick
- There should not be too great an emphasis on the agreements themselves. Humility and discretion are best at times like this.
- Agreements
- Vagueness and ambiguity should be avoided in agreements. Precision and clarity more than pay for themselves in effectiveness
- The parties must take ownership of the agreements. They should feel responsible for their implementation and should of course adhere to them in good faith
- Agreements should be capable of implementation, which means that common sense should prevail.

Mediation support

- It is crucial to appoint a head of the mediation mission

- There must be coordination among mediators
- "Groups of friends" are increasingly important, and their numbers are growing (in 2006 there were 36 such groups). The groups should be small, with no more than four or five members per mission, and should comprise States that have affinities with the country in conflict
- Professional support structures are important to assist with capacity-building, training, research, information management and the development of support networks.

5. How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

Mediation efforts involve processes, commitments and values. As processes they are effective and useful as a form of apprenticeship in the necessary skills to manage conflicts, they help demystify conflict as something viewed only negatively and all too often insoluble, and they steer parties towards seeking a negotiated solution when the parties are reassured that those leading the mediation are also guarantors of the process and that there is no manipulation. As commitments, they incorporate peace-building mechanisms and unblock deadlocked situations. The values of respect and acceptance inherent in mediation processes strengthen assertiveness, recognition and legitimacy.

Signing a peace agreement may be understood as ending a process, but it begins another, which is focused on consolidating peace. At times such consolidation may have precarious prospects: this means that mediation efforts, far from decreasing, need to be ramped up and strengthened. In such instances mediators need to adapt to a new phase in the process, whose goal is to bring the parties to agreement on how to interpret and implement the terms on which they have agreed.

Implementation of agreements can be carried out in a programmed manner with different phases, which may in turn be subject to mediation, thus helping to build mutual trust among the parties once they have resolved the basic issues and overcome the primary obstacles that gave rise to their conflict. Trust cannot be restored overnight, but small steps can lead toward resolution. Leaving some issues for later may also reduce certain tensions in the negotiation process, while giving a greater sense of security to the parties, who, in good time and at their own pace, can move towards a definitive resolution of the conflict.

The benefits of continued mediation efforts become evident when they prevent easily resolved conflicts from escalating through a misinterpretation of agreements which leads the protagonists to forget the real source of their conflict.

Finally, a critical element in the peace consolidation phase is the requirement that there be a clear enforcement mechanism, ideally through arbitration, to resolve any disputes that may arise when an agreement is interpreted and implemented. Preferably, such a mechanism should be provided for in the peace agreement itself.

Sweden

[Original: English]

1. What are the qualities of a good mediator?

(a) The mediator should work as a catalyst for the process and must also understand the reality of the conflict and what drives the parties. Mediators should be flexible during the entire process, perceptive to constantly changing dynamics, committed to building and maintaining the confidence of stakeholders. When opportunities and possibilities arise, the mediator must act quickly and distinctively;

(b) A successful mediator therefore needs a broad set of skills and personal attributes, i.e., communication skills, patience, impartiality and objectivity, respectfulness, flexibility, empathy and the ability to keep one's ego in check;

(c) In addition, a mediator should have profound knowledge of the culture in which a conflict takes place and understand the parties' different backgrounds.

2. What are the key attributes of an effective mediation process, including during the design and implementation stages?

(a) Mediation is situation specific. An effective mediation process is determined by the situation, flexible and adapted to the changing dynamics of the conflict at a given moment;

(b) It is crucial that ownership of the process remain with the conflicting parties, not with the mediator; but it is also important that the mediator maintain his or her role and responsibility;

(c) Owing to the complexity of a conflict cycle, it might be necessary to pursue several tracks of mediation. This might in turn require mediators with different skills and varying levels of seniority (e.g. a former President, or Special Representative of the Secretary-General), also different mediators in the same mediation process. Moreover, situations may occur in which NGOs can add value to the process, for example by assisting in confidence-building measures. It is necessary, however, when different mediators are involved, that all of them work in a coordinated way and, when it is a United Nations mediator, ensure that the work is done under his or her guidance;

(d) In the process of selecting mediators, thinking "outside the box" should be considered. It is not always effective to use the same high-level personalities for all mediation efforts;

(e) There is a need for an entry point or a "hook" for the mediator to identify common interests of the parties besides the conflict which could be used as a starting point in the mediation effort;

(f) Capacity among the parties ought to be built. When one party is severely disadvantaged in terms of capacity, it is very difficult for all actors to move forward;

(g) The process should be inclusive in an effort to co-opt spoilers, to gain a broad understanding of the situation and create conditions for maximum buy-in;

(h) At regular intervals, it is important to break down the mediation process and meet separately with the parties to identify whether interests and demands are being met and to consolidate the ground gained;

(i) A mediator must make the parties aware of the fundamental principles of the United Nations, such as respect for human rights. Mediators should also promote the participation of women at all levels of mediation processes, in accordance with Security Council resolution 1325 (2000) on women and peace and security;

(j) The mediator should be provided with pre-mission training as well as mediation support and access to technical and thematic expertise during the course of the mediation effort. Mediators should act independently and without regard to the potential interests of the organization that appointed them. Mediators should have the freedom of action and mandates to negotiate with a wide range of groups. The inclusion of all relevant stakeholders in the process, including women and marginalized groups, is of the essence;

(k) Avoid "quick fixes", as no solution is often preferable to a bad solution.

3. What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

(a) All third parties have their own interests which need to be taken into account;

(b) Women should be actively involved in all aspects of mediation. Security Council resolution 1325 (2000) provides an excellent tool, but in reality the involvement of women remains strikingly low;

(c) The party that controls resources also controls the process. The United Nations should coordinate resources under their oversight more effectively, even if actors need to be allowed to act independently;

(d) Coordination, information-sharing (to the extent possible), recognizing each other's comparative advantages; calculate/discern when one "actor" is more appropriate than another to act as a mediator or dialogue facilitator;

(e) Mediators working on different tracks must be in contact with each other to create overall cohesion within the mediation effort. National, regional and local actors must own the processes and take responsibility for establishing structures. An important objective for international organizations engaged in mediating conflicts should be to support local actors and institutions to identify synergies through cooperation;

(f) The temptation to engage in activities and programmes that are supply-driven or donor-driven, rather than locally driven, should be resisted;

(g) Contact groups for different conflicts can play an important role when it comes to overall coordination of different mediation initiatives.

4. What are the vital elements of a successful peace agreement?

(a) Ownership by the involved parties. No actor will follow an imposed peace agreement;

(b) Effective follow-up. This needs to be discussed in the initial phases as most stakeholders will not be willing to discuss future risks when a deal is within reach;

(c) Broad solutions that will take into consideration the interests and needs of all stakeholders in a conflict. It is important to keep in mind that negotiations and mediation efforts are conducted primarily by an elite that has its own interests in mind;

(d) A sustainable peace agreement should address the trade-offs between impunity versus accountability. A balance must be found between a peace agreement and follow-up mechanisms for crimes committed during the conflict. Truth and reconciliation commissions can be instrumental;

(e) A peace agreement should be seen by key stakeholders as a long-lasting commitment to conflict resolution and peace;

(f) The inclusion of a wide variety of perspectives needs to be taken into consideration in order to ensure that important experiences and voices are included. Ensure that there is technical and legal expertise available for drafting.

5. **How can continuous mediation efforts contribute to the effective implementation of a peace agreement?**

(a) The sustained presence of a mediator will help the parties to engage in, and stay committed to, the implementation and follow-up of the peace agreement;

(b) Mediators often function as bringers of reality, and with a critical mediator present, the outcome is often more realistic and sustainable;

(c) Continual mediation will maintain an international presence over the peace process as well as provide insight into the conflict, which may provide early warning opportunities as well as have a positive impact on human rights questions;

(d) Local mediators and local NGOs often have valuable connections and the capacity to identify entry points to engage conflicting parties in continuous dialogue;

(e) Follow-up of mediation efforts is vital. Mediators that come from the outside need to support local mediators and enhance local capacity to create conditions for a sustained dialogue and mediation after outside mediators leave.

Switzerland

[Original: English]

Switzerland welcomes the participatory approach envisaged by the Secretary-General and appreciates that Member States have been given the opportunity to provide input for the discussion on guidance at this early stage.

We are of the opinion that the United Nations should build the guidance on the report of the Secretary-General on enhancing mediation and its support activities (S/2009/189) and on the principles enshrined in resolution 65/283. The guidance should aim high and directly guide not only mediators, their teams and any institutions or persons involved in the mediation, but also the United Nations and its

Member States. The guidance should be envisaged as a code of conduct for mediators and include good practices regarding technical aspects. In short, the guidance should contribute to the professionalization of mediation.

In particular, Switzerland would welcome the inclusion of the right for mediators to talk to all parties that are willing to talk and show interest in negotiations, with the reservation that all actors must strictly comply with their relevant obligations under international law. In this context, the guidance should stress that no mediator can support or accept any form of amnesty to perpetrators of genocide, war crimes, crimes against humanity or gross violations of human rights.

Although the sensitive nature of many peace negotiations requires a high degree of confidentiality, Switzerland suggests that negotiation processes should be as transparent as possible in order to gain the support of the constituencies and to build trust between the parties engaged in a conflict.

Finally, the guidance should indicate how women are to be incorporated into mediation teams and how gender issues are to be dealt with. It should at least be guaranteed that continued strategic action is taken to promote equal participation by women at all levels of mediation processes as emphasized by the Secretary-General in his seven-point action plan on women's participation in peacebuilding (see A/65/354-S/2010/466) and in resolution 65/283.

1. What are the qualities of a good mediator?

The report of the Secretary-General on enhancing mediation (S/2009/189) describes in paragraph 15 the indispensable attributes and characteristics of a good mediator. The most important quality of a mediator is his or her impartiality. Moreover, a good mediator has to have charisma and authority and — most importantly — must be accepted by the parties and by his or her team. He or she has to be an excellent communicator and possess the ability to listen attentively, understand the parties to the conflict and adapt accordingly. The guidance should stress that good mediators should not impose their solutions to a conflict, but ensure that any agreement is owned by the parties. Moreover, the mediation team needs to have an in-depth understanding of the conflict it is working on, and must ensure that the mediator is aware of all relevant developments. Without a profound knowledge of the context and the various parties involved, a mediation team will not be able to respond to specific sensitivities and will be likely to overlook opportunities for mutually acceptable solutions.

2. What are the key attributes of an effective mediation process, including the design and implementation stages?

An effective mediation of peace negotiations must be based on a mandate from the (main) parties to a conflict, though talks about talks regularly start without a mandate from all parties. The mandate may be formal or informal, but it has to express the will of the parties to engage in negotiations and find peaceful solutions to a conflict. The third party has to be realistic and support solutions that are implementable.

A peace process needs the support of all the relevant stakeholders (vertical inclusion). They have to be consulted during the design phase of the process in order to ensure their concerns and needs are taken into account at an early stage.

The best way to secure a broad participation is a system of parallel processes on different tracks and levels that guarantee that the recommendations of civil society are fed into the main process. Broad participation will be even more important in the implementation stage, where national actors need to play an active role in a democratic process.

The mediation process has to be backed by States or organizations that are willing to provide all the necessary financial, logistical and political support at crucial moments.

3. What considerations are important for effective cooperation between different third-party actors involved in a mediation process?

The most important element for effective cooperation is that all third parties have a common understanding of what should be done in the mediation. The effective coordination of mediation processes is essential, and, in general, it is sensible to delegate cooperation between third parties to the lead mediator and his or her team. The United Nations, with its global reputation and legitimacy, is in an excellent position to provide this leadership or delegate it to another regional organization, given its representativeness as well as its prominent role in the field of mediation. Coordination is not to be understood as a formal decision-making process, but as a tool to distribute information and to prevent duplication of efforts as well as counterproductive competition among mediation actors.

The Secretary-General should therefore indicate how he wants to ensure that peace and mediation processes are coordinated among all international actors, and he is the institution best placed to issue guidelines on the cooperation and coordination of all third parties. Moreover, Switzerland would welcome a provision urging all mediators — whether acting in a United Nations function or not — to make use of the United Nations and its Mediation Support Unit as a platform for sharing and receiving information about ongoing mediation activities. Similarly, the Secretary-General should indicate in the guidelines how he wants to ensure an effective division of labour and partnership among the United Nations, its Member States, relevant regional and subregional organizations and NGOs specializing in mediation. Finally, the United Nations has to ensure that no parallel structures are set up that endanger ongoing mediation processes.

4. What are the vital elements of a successful peace agreement?

Most important: the content of any agreement has to be realistic, implementable and accepted by the parties.

Each peace agreement is sui generis, based on the context and the interests of the parties to a conflict. Therefore, we cannot name topics which have to be included in an agreement, except security: a country emerging from a violent conflict is bound to face an immediate, challenging situation in terms of security. In a first phase, a peace agreement has to specify how security is to be provided in the short term in order to protect civilians and re-establish normal living. The details of these security provisions will depend heavily on the context and may involve external actors respected by all conflicting parties. Furthermore, an agreement should also entail some preliminary decisions on the process of restructuring and reforming the security sector.

In the case of a legacy of massive violations of human rights or international humanitarian law, it is recommended to inform the parties to the negotiation process as soon as possible that the issue of impunity can be addressed by a series of different measures, such as truth, justice, reparation and institutional reforms, and not only through criminal justice. Switzerland has co-authored a guidance note on "Dealing with the past in peace processes" for the Mediation Support Unit that addresses those complex issues.

Conflicts are dynamic, and root causes are often hidden behind new conflictual issues. Given the dynamic nature of conflicts, the grievances and bitterness of the parties and their contradictory positions, comprehensive accords may in general not be the ultimate solution to existing divisions in societies. Moreover, experience has shown that even the most comprehensive agreements cannot solve all the conflicting issues between the parties involved. Therefore, accords addressing the most pressing issues are crucial, and they are to be understood as starting points in a longer process rather than end results. The success of a peace agreement depends on the commitment of the parties; therefore, agreements should always address the issues expressed by the parties (and the society) and not those of the mediators.

In addition, a successful agreement should confine itself to the main issues of the present conflict and leave space for a democratic process to address all the less pressing issues. If necessary, processes and procedures should be designed to address the unsolved issues in the phase after the signing of the peace agreement.

Implementation has to be negotiated within the negotiation process. Therefore, all accords have to include institutions and processes capable of monitoring the implementation and resolving conflicts that emerge during the implementation phase.

Finally, peace agreements have to address guarantees and design a mechanism for possible modifications beforehand.

5. How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

From its involvement in the implementation of peace agreements in Nepal and the Sudan, Switzerland knows that continuous support and multitrack mediation are crucial to defuse tensions and find solutions for sustainable peace. But in contrast to the negotiation process, the implementation of a peace agreement and the post-agreement phase should be nationally led. Support by international actors and mediators should be discreet, behind the scenes and, whenever possible, it should go through national (insider) mediators. Third parties should not be allowed to dictate the design of the implementation or to set the pace at which issues are addressed.

Turkey

[Original: English]

Owing to the diversity and complexity of conflicts that require mediation, there is no one-size-fits-all formula for a successful mediation process. However, that does not rule out the fact that there are certain guiding principles for every mediation process.

First and foremost, a successful mediation process requires solid analysis of the issues at hand, as well as a sound understanding of the broader regional context. In addition, a well-devised strategy and clearly defined ends — albeit flexible enough to withstand changing conditions — are important to the success of any mediation process.

A request from at least one of the parties and/or an expression of their readiness to work with external mediation is also an important prerequisite for a successful process. In other words, trust is an essential element of any mediation process.

Mediators should also be able to communicate with all parties to the conflict and remain impartial. That said, mediators need to be guided by certain values and principles which should not be compromised under any circumstances. This is especially important when reconciling the needs of peace and justice.

Mediators should also refrain from promising too much or disclosing too much too early, which might in itself become part of the problem. This often necessitates that mediation be waged in discreet terms and confidentiality of the talks to be respected.

A closely related issue arises when there is more than one mediating party. Indeed, the existence of parallel mediation attempts places a premium on coordination and leadership.

1. What are the qualities of a good mediator?

A mediator's role varies from facilitating communication to promoting a specific outcome or to being the supervisor or guarantor of an agreement. In any case, mediators must be fair, not only to maintain the confidence of the parties, but also to steer the process towards a long-term solution. Mediators must also be flexible enough to adapt themselves to changing circumstances. But they must be able to stand firm as regards the underlying values of the mediation process so that they can avoid possible double standards and resist undue pressure coming from the conflicting parties.

Mediators must have a good understanding of the situation. Therefore, it is important for them to have the necessary means to acquire reliable, accurate and up-to-date information on the situations in which they are involved. They must refrain from imposing their ideas and assure the parties that their views and positions are being taken into consideration. Also, the mediator should be able to command the trust and respect of the parties.

Patience and perseverance are important virtues of a good mediator, as sometimes a desirable outcome may be attainable only after many failed attempts. Creativity is another key quality which will help unlock the most intricate situations and rigid positions. Mediators must be able to interpret the positions, thoughts, and even sentiments of the parties into a language that the others will also be able to comprehend, and hopefully empathize with. In addition, they should also be able to rise above the details and see or show the bigger picture.

2. What are the key attributes of an effective mediation process, including during the design and implementation stages?

To be effective, a mediation process must take into account a wide range of variables that influence the process, such as the characteristics of the conflict, the actors involved and the dynamics of their interaction. In any case, there are four basic parameters of a successful mediation process:

- Confidence-building among the parties: this is necessary in order to create an environment that will be conducive to the resolution of challenging issues.
- Sustaining a value-based process: this is necessary for securing the parties' long-term commitment to the settlement.
- Laying out a clear vision for the future: this will allow the parties to see the big picture and appreciate the dividends of peace.
- Equipping the mediator with the necessary diplomatic tools: this will provide the mediator with the ability to sustain the process.

It is equally important for a mediation process to enjoy the genuine commitment of all parties, since local ownership is key to the success of any mediation. The parties should be fully aware and appreciative of the benefits of reaching a peaceful settlement, as well as the possible consequences of failure. On the other hand, an effective mediation process should not only attempt to reduce the intensity of a conflict, but also promote a new set of common values that will permit the parties to more successfully manage their relationship in the future.

Confidentiality is a serious and fundamental aspect of mediation; it is a sine qua non of the process. It may extend over issues such as the fact that a mediation is taking place, the content of the documents and statements exchanged during the mediation, the reasons why the mediation attempt was not successful, confidential details of an eventual settlement, etc. A breach of confidentiality during a mediation process might further aggravate the conflict and diminish the chances of success of any mediation attempt in the future.

3. What considerations are important for the effective cooperation between different third-party actors involved in a mediation process?

In order not to lead to unhelpful forum shopping among the parties to the conflict, a healthy coordination and cooperation among the interested actors is required at every step of the mediation process. It is also important to have coherence of messages given to conflicting parties. In this context, the shared objectives of the international community and the principles enshrined in the Charter of the United Nations should serve as guidelines for coordination.

Ideally, third parties working in the same conflict situations should be able to complement each others' work and act in accordance with a division of labour. Competition among different mediators might be extremely disruptive and detrimental to the whole process. However, this is easier said than done, since every mediation process has its own discreet nature, and full coordination may not be possible in each case.

That being said, the United Nations can play a helpful role in serving as a clearing house mechanism. This requires the Organization to be either in the lead of

every multiparty conflict resolution process or more realistically to be in touch with all the relevant stakeholders in each conflict situation. That will allow the United Nations to see the big picture and make the necessary suggestions to the parties, as appropriate.

A practical idea in this regard could be the establishment of United Nations regional mediation centres in countries close to multiple conflict situations which all relevant stakeholders can feel comfortable travelling to or engaging with. Such a United Nations presence outside New York will help the Organization to be more in tune with current local realities and develop a more effective working relationship with the relevant parties. These centres can also help improve the coordination capabilities of the United Nations, while at the same time serving to build the capacity of local actors, be it the regional organizations, NGOs or Member States.

In any case, when there are multiple actors involved in the same mediation process, a synergy of efforts is needed, either through coordination by the United Nations or via the primacy of at least one of these actors, in order to avoid the undesirable consequences of competition, duplication and confliction which might lead to unintentional harm to the process and to each others' efforts.

4. What are the vital elements of a successful peace agreement?

Peace agreements have both past and present functions. They must end a conflict while at the same time providing for a peaceful future. Therefore, they need to not only address the contentious issues that are at the core of the conflict, but also lay the foundation for a normative environment that will be conducive to the self-reinforcement of peace and pave the way for a sound cooperation between the conflicting parties.

In this context, the most important characteristic of a successful peace agreement is its durability and sustainability. A peace agreement should have the necessary inherent checks and balances so that there will not be a relapse into conflict.

Therefore, a successful peace agreement is one that leaves no room for varying interpretation by the parties and that will not create complicated structures. Another central element of a successful peace agreement is the consent, support and ownership of all relevant parties. If an agreement has the buy-in of all the parties, then it is more likely to be self-reinforcing.

One of the vital elements of a successful peace agreement is its perceived fairness. The agreement should be considered fair by all parties involved, not only the negotiating parties, but also those that have a vested interest in the outcome. Furthermore, the agreement should be the result of a value-based process and be compatible with the core values of all parties involved.

Finally, the peace agreement must be supported by necessary resources for its implementation. Usually, the initial phase of implementation is the most critical period for a possible relapse into conflict. Therefore, the supportive involvement of the mediators or the international community might be highly useful, particularly at that critical stage. That being said, this involvement must be devised in such a way that it does not lead to a culture of dependency, and external support should first and foremost aim at creating the necessary local structures to sustain the peace environment.

5. How can continuous mediation efforts contribute to the effective implementation of a peace agreement?

Mediation is a cross-cutting element of the entire cycle of conflict resolution, ranging from prevention to post-conflict peacebuilding. Although the ultimate success of a mediation process is achieved when mediation is no longer needed, continuing mediation efforts are necessary in all almost all conflict situations for the effective implementation of a peace agreement.

In this regard, monitoring by and the active involvement of the mediator, as necessary, will most likely be required, especially in the early implementation phase of every peace agreement. The mediators' involvement is usually quite helpful in helping to build confidence among the parties and in resolving the possible differences that may emanate either from the varying interpretations of the peace agreement or the emergence of new dynamics.

Indeed, continued mediation may be necessary, especially if an undesirable change in the parameters that are at the foundation of the design and implementation of the agreement emerges. The mediator may then aim to intervene in the process in order to restore the necessary conditions for the agreement to be self-sustaining again.

It is important, however, for the mediators not to become a fundamental pillar of the implementation process of the agreement. On the contrary, in cases where the mediators are obliged to play a key role in the implementation of the peace agreement, they should aim to progressively disengage and help build the capacity of the conflicting parties to self-sustain the process.

Venezuela (Bolivarian Republic of)

[Original: Spanish]

The Bolivarian Republic of Venezuela reaffirms its commitment to the peaceful settlement of disputes in such a manner that international peace and security, and justice, are not endangered, in accordance with Article 2, paragraph 3, of the Charter of the United Nations. In this regard, it reiterates the need for all States, rich or poor, big or small, and regardless of their degree of power, to refrain in their international relations from the threat or use of force against the territorial or political integrity of any State, or in any other manner inconsistent with the purposes of the United Nations.

Our country believes that the tendency of the Security Council to resort to the implementation of enforcement measures under Chapter VII of the Charter (particularly sanctions) when dealing with disputes that pose no threat to international peace and security should be reversed, as the use of the relevant provisions on settlement of disputes contained in Chapter VI of the Charter, in particular its Article 33, would be more appropriate.

To that end, Venezuela endorses the repeated declarations of the Movement of Non-Aligned Countries regarding the strengthening, within the legal and political framework of the Charter, of United Nations capacities in the prevention and peaceful resolution of conflicts and disputes. In this regard, it fully agrees with the Movement that any effort to enhance the effectiveness of the United Nations in conflict prevention should take into account the need for a balanced, coherent and comprehensive approach with the aim of achieving sustained economic and social growth and development.

Thus, as there is no alternative other than the political process, and taking into account that a primary objective of the United Nations is the facilitation of political solutions, the precipitous use of enforcement measures that have a negative impact on crisis management should be avoided; such measures must remain an instrument of last resort.

The Bolivarian Government considers it essential that the use of methods for the peaceful settlement of disputes and for conflict prevention and resolution should be guided by the purposes and principles of the Charter of the United Nations. The sovereign equality of States and non-interference in internal affairs must be taken into consideration, as well as the sovereign right of those involved freely to choose the means of peaceful resolution most suited to their national interests.

The preventive diplomacy expressed in the principle of peaceful settlement of disputes (as set forth in Article 33 of the Charter) requires a clear understanding of the nature and context of the conflict as well as the ability to identify viable solutions from a political standpoint. United Nations efforts in this area should be undertaken in support of the primary role of States in conflict prevention and resolution. Moreover, these efforts must not lose sight of the aim of addressing the potential socio-economic causes of conflict, in order to contribute to the establishment of a firm and lasting peace, including during the post-conflict stage (international cooperation in terms of economic assistance).

As for mediation, the main focus of resolution 65/283, the Venezuelan Government is of the view that any involvement of a third party as mediator for the prevention and peaceful resolution of conflicts requires the express request of the parties involved, whose actors have primary responsibility for the peaceful settlement of the dispute or conflict, including addressing the root causes.

Regarding the profile of a mediator, it is of critical importance that once the parties involved have expressly requested mediation, the conduct of that international official meet the criteria of integrity, impartiality, objectivity and transparency, in full accordance with the purposes and principles of the Charter of the United Nations. Furthermore, it is imperative that while interacting with the parties, the mediator observe the confidentiality required to ensure a climate of trust among all those involved, and therefore, respect for their positions and interests.

Moreover, the Bolivarian Government considers that building national and local mediation capacities is of fundamental importance in order to make available qualified and experienced professionals in the field of peaceful settlement of disputes.

In this context, the Venezuelan Government appreciates United Nations efforts to strengthen its mediation capacity when defusing crisis situations that could have negative consequences for peace and stability. We believe that the Organization must have qualified experts from various regions, particularly the developing world of Africa, Asia and Latin America, to work with parties directly involved in disputes. Similarly, the Bolivarian Government attaches particular importance to the consolidation of a gender perspective in the United Nations Secretariat that ensures that qualified women are included on the list of experts on conflict management and can be appointed as high-level mediators in situations related to the prevention and resolution of disputes and conflicts.